



**LAWS**  
**OF THE**  
**STATE OF DELAWARE**

**ONE HUNDRED AND SEVENTEENTH  
SESSION OF THE GENERAL ASSEMBLY**

**COMMENCED AND HELD AT DOVER**

**On Tuesday, January 6, A. D.  
1953**

**AND**

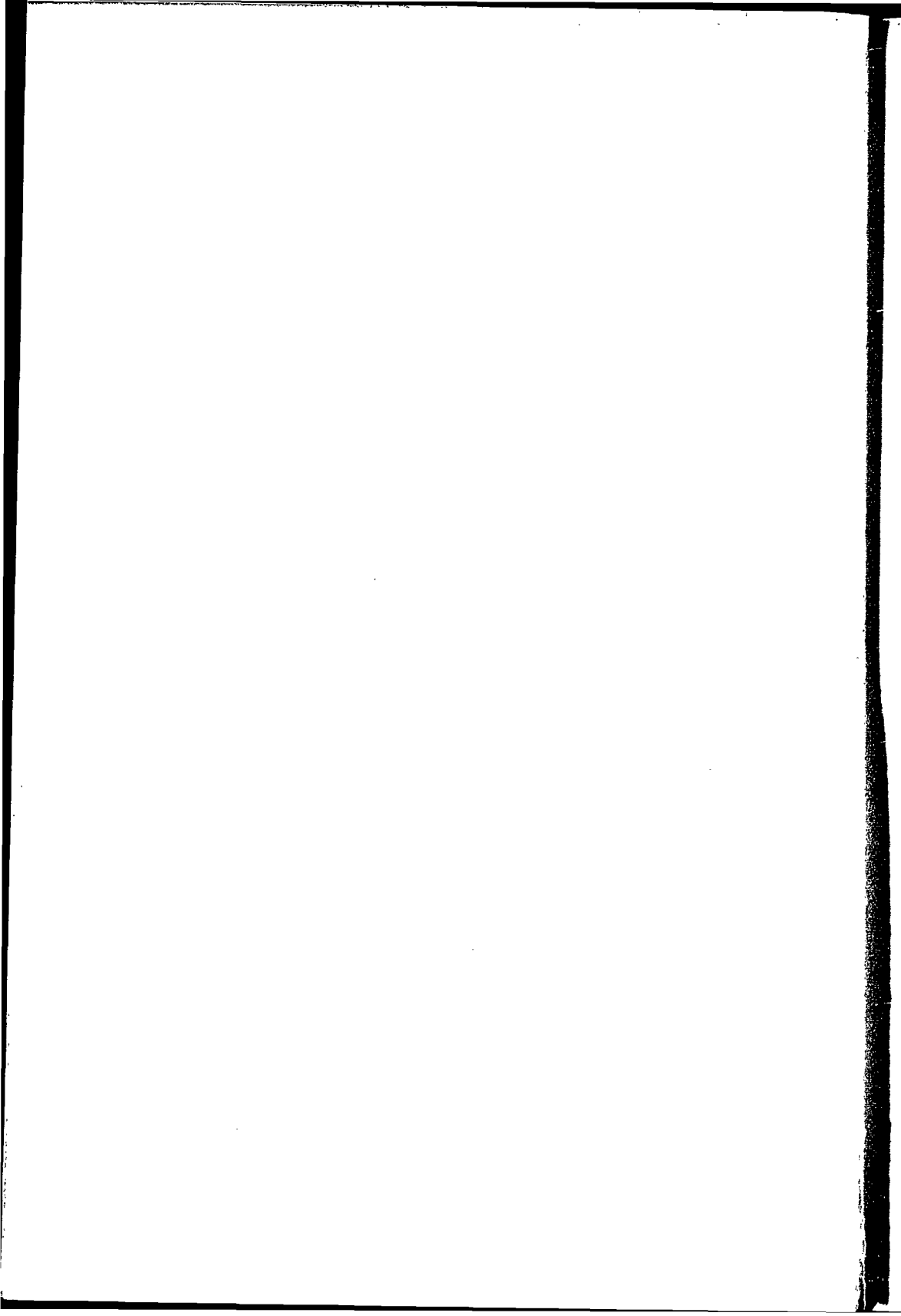
**IN THE YEAR OF THE INDEPENDENCE OF THE UNITED STATES  
OF AMERICA, THE ONE HUNDRED AND SEVENTY-SEVENTH**

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**VOLUME XLIX**

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# LAWS OF DELAWARE

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## CHAPTER 1

PROVIDING FOR DISTRIBUTION OF DELAWARE CODE OF 1953

**AN ACT TO PROVIDE FOR THE DISTRIBUTION AND SALE  
OF HOUSE BILL NO. 9, THE PROPOSED DELAWARE  
CODE OF 1953.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The Secretary of State shall distribute the paper bound sets of House Bill No. 9, Proposed Delaware Code of 1953 as follows:

(1) One copy gratis to each member of the Senate and House of Representatives;

(2) One copy gratis to each of the following: the Attorney General and each Deputy Attorney General and each State or County office, department, commission, board, bureau or agency, each State or County court and each judge thereof and each justice of the peace; which shall be kept and remain in their respective offices and be delivered to their successors as the property of such offices;

(3) One hundred and fifty sets to the Prothonotary of New Castle County, twenty-five sets to the Prothonotary of Kent County and twenty-five sets to the Prothonotary of Sussex County for the purpose of sale to residents of this State. The Secretary of State and the State Treasurer shall charge the respective Prothonotaries with the sets of the Proposed Code delivered to them at the selling price thereof;

(4) The remaining sets to the State Library and into the custody of the Librarian.



Section 2. The librarian shall distribute one set of the Proposed Code to each of the following: the State Library of each State of the United States, the Library of Congress, the University of Delaware, the law library in each County, the New Castle County Chancery Law Library, each public library in this State, and the Historical Society of the State of Delaware. The Librarian shall retain the custody of the remaining sets of the Proposed Code, and shall sell or dispose of them to residents of this State, as provided by law. The Librarian shall be charged by the State Treasurer with all sets of this Code left in his custody for sale and shall semi-annually, on or about the first days of January and July, account to the State Treasurer for all sales so made by him and for the unsold sets remaining in his custody. Receipts from sales of this Code shall be paid currently to the State Treasurer.

Section 3. The selling price of the Proposed Code to residents of this State shall be \$20.00 per set.

Section 4. The exclusive right to sell copies of the Code to non-residents of this State has been granted to West Publishing Co., of St. Paul, Minnesota, and Edward Thompson Co. of Brooklyn, New York, pursuant to chapter 128 of volume 48, Laws of Delaware. Therefore, copies of this Code shall not be sold by or on behalf of the State to any non-resident of the State or for resale to a non-resident.

Section 5. The Prothonotaries of the respective counties may obtain additional sets of the Proposed Code from time to time, as necessity may require, from the Librarian, for which they shall be charged by the State Treasurer at the aggregate selling price of the additional sets so obtained. The Prothonotaries shall be allowed a commission of 2 per cent for selling sets of the Code delivered to them in accordance with this section. The Prothonotaries shall currently pay to the State Treasurer the proceeds of all sales less their commissions, and shall account to the State Treasurer for all such sales, and for all unsold sets in their hands from time to time and upon going out of office, and shall deliver all unsold sets to their successors in office. The commissions on sales shall be received by the Prothono-

taries for the sole use of the County of the Prothonotary, as in the case of other fees of the office, and shall be paid by the Prothonotaries to the respective Receivers of Taxes and County Treasurers and accounted for as fees of the office.

Section 6. This act shall apply only to the distribution of the paper bound sets of the Code now in possession of the Secretary of State. Distribution as provided for in this act may be made whether or not the Proposed Code is adopted by the General Assembly. Such distribution may be made before, after or during the consideration of the Proposed Code by the General Assembly and is not dependent upon the action of the General Assembly.

Approved February 5, 1953.

## CHAPTER 2

## RELATING TO MUNICIPAL PARKING AUTHORITIES

**AN ACT TO AMEND TITLE 22, DELAWARE CODE OF 1953,  
RELATING TO "MUNICIPALITIES" BY AUTHORIZING  
MUNICIPALITIES ESTABLISHING PARKING AUTHOR-  
ITIES TO FINANCE THE COST OF LAND ACQUISITION  
FOR PARKING FACILITIES BY THE ISSUANCE OF  
GENERAL OBLIGATION BONDS OF THE MUNICIPAL-  
ITY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 508, Title 22, Delaware Code of 1953, is amended by adding at the end thereof a new paragraph as follows:

Any municipality establishing an authority under this chapter may, under such terms and conditions as it may deem appropriate, provide for and pay to such authority such sum or sums of money necessary to acquire in whole or in part the lands upon which such authority may undertake to erect a parking facility as herein provided; the municipality for the purpose of providing said money may issue its general obligation bonds secured by the faith and credit of the municipality. The aggregate amount of general obligation bonds issued by a municipality under this provision shall be in addition to and not within the limitations of any existing statutory debt limitation of the municipality.

Approved June 4, 1953.

### CHAPTER 3

PROVIDING FOR THE OMISSION OF THE DELAWARE CODE OF 1953  
FROM THE PRINTED SESSION LAWS

**AN ACT TO PROVIDE FOR THE OMISSION OF HOUSE BILL  
NUMBER 9, DELAWARE CODE OF 1953, FROM THE  
PRINTED SESSION LAWS OF THE 117TH GENERAL  
ASSEMBLY.**

WHEREAS, House Bill No. 9, being the Delaware Code of 1953, has been approved by both chambers and signed by the Governor and whereas said bill consists of more than five thousand printed pages;

AND, WHEREAS, § 907, Title 29, Delaware Code of 1953 requires the Secretary of State to have 1500 copies of the session laws accurately printed;

AND, WHEREAS, a contract for the printing of the Delaware Code of 1953 has been entered into on behalf of the State by the Revised Code Commission under authority of the provisions of Chapter 377, Volume 47, Laws of Delaware and Chapter 128, Volume 48, Laws of Delaware, NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The printing of the Session Laws for the 117th General Assembly as provided for in § 907, Title 29, Delaware Code of 1953 shall not include House Bill No. 9, known as the Delaware Code of 1953.

Approved March 23, 1953.

**NOTE:** House Bill No. 9, "AN ACT TO REVISE, RECODIFY, ARRANGE AND CONSOLIDATE INTO A CODE THE PUBLIC AND GENERAL STATUTES OF THE STATE OF DELAWARE.", known as the Delaware Code of 1953, approved by the Governor February 12, 1953 was omitted from this volume pursuant to the above instructions.

## CHAPTER 4

## ABOLISHING NEW CASTLE COUNTY BUREAU OF REGISTRATION

**AN ACT TO AMEND CHAPTER 3, TITLE 15, OF THE DELAWARE CODE OF 1953 ENTITLED "BUREAU OF REGISTRATION FOR NEW CASTLE COUNTY", BY TRANSFERRING ITS POWERS AND DUTIES AND ABOLISHING SAID BUREAU.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 3, Title 15, Delaware Code of 1953 is amended by repealing all § § 301, 302, 303, 304, 305, 306 and 307.

Section 2. The Department of Elections for New Castle County shall have complete jurisdiction over all the matters, powers, and functions now vested by law in the Bureau of Registration for New Castle County as presently constituted and established and shall possess and exercise all the rights, powers and privileges which are now possessed and exercised by the said Bureau of Registration as completely as the said Bureau of Registration is now authorized to perform, as well as such other rights, powers and privileges as by this Act conferred.

Section 3. Within ten days after the approval of this Act, the Bureau of Registration for New Castle County and every officer, clerk and every other person having possession of or control of any records, books, papers and any other property relating to registration in New Castle County, shall surrender and deposit the same with the President of the Department of Elections for New Castle County or with such person as the President shall designate.

Section 4. The phrase "Bureau of Registration for New Castle County", as used in the Laws of this State, shall be taken to mean and hereafter shall be printed as "Department of Elections for New Castle County."

Section 5. The word "Bureau" wherever appearing in this title of the Delaware Code of 1953 shall be taken to mean and be printed as "Department".

Section 6. The Bureau of Registration for New Castle County is abolished.

Section 7. This Act shall become effective ten days after its approval.

Section 8. All Acts or parts of Acts inconsistent with the provisions of this Act are repealed to the extent of such inconsistency.

Approved March 5, 1953.

## CHAPTER 5

### RELATING TO NARCOTIC DRUGS

#### **AN ACT TO AMEND CHAPTER 47 OF TITLE 16 OF THE DELAWARE CODE OF 1953 RELATING TO NARCOTIC DRUGS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 4722 of Title 16 of the Delaware Code of 1953 is hereby amended to read as follows:

"§ 4722. Whoever violates or fails to comply with any of the provisions of this Chapter shall be imprisoned not less than two (2) nor more than ten (10) years and in addition may be fined not more than Three Thousand Dollars (\$3,000.00). For a second offense, the offender shall be imprisoned not less than five (5) nor more than ten (10) years and in addition may be fined not more than Three Thousand Dollars (\$3,000.00). For a third or subsequent offense, or if the offender shall previously have been convicted two (2) or more times in the aggregate of any violation of the laws of the United States or of this or any other State, Territory or District relating to narcotic drugs or marijuana, the offender shall be imprisoned not less than ten (10) nor more than twenty (20) years and in addition may be fined not more than Three Thousand Dollars (\$3,000.00)."

Approved March 5, 1953.

## CHAPTER 6

### CORRECTING ERROR IN DELAWARE CODE OF 1953 RELATING TO SALARY OF BANK COMMISSIONER

#### AN ACT TO CORRECT AN ERROR IN THE DELAWARE CODE OF 1953 BY PROVIDING FOR THE CORRECT SALARY OF THE STATE BANK COMMISSIONER.

WHEREAS, The Delaware Code of 1953 provides that the salary of the State Bank Commissioner shall be \$6,000 per year;

AND, WHEREAS, this was a typographical error in the Delaware Code of 1953 in as much as the salary of the said Commissioner was set at \$7,000 per year by Chapter 150, Section 1, Volume 48, Laws of Delaware; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 102. (c), Title 5, Delaware Code of 1953 is amended by striking out the figures "\$6,000" as the same appear on line 2 of said subsection (c) and substituting in lieu thereof the figures "\$7,000".

Approved March 5, 1953.



## CHAPTER 7

### PROHIBITING DETENTION OF CHILD IN DETENTION HOME EXCEPT BY SPECIAL ORDER

#### **AN ACT TO AMEND TITLE 31, DELAWARE CODE OF 1953 RELATING TO WELFARE, PROHIBITING THE DETEN- TION OF A CHILD IN A DETENTION HOME, EXCEPT BY SPECIAL ORDER.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1, Title 31, Delaware Code of 1953, is amended by  
adding a new § 5708, as follows:

#### **§ 5708. Detention of juveniles by special order only**

No child shall be detained in any detention home of this  
State except when so ordered by a Judge of the Family Court  
for New Castle County, by a Judge of the Juvenile Court for  
Kent and Sussex Counties, or by the State Police or other ac-  
credited agency in the discretion of their board of managers.

Approved March 6, 1953.

## CHAPTER 8

AUTHORIZING LEVY COURT APPROPRIATION FOR LEIPSIC  
AMBULANCE**AN ACT AUTHORIZING THE LEVY COURT OF KENT  
COUNTY TO APPROPRIATE COUNTY MONIES TO THE  
LEIPSIC VOLUNTEER FIRE COMPANY FOR THE  
MAINTENANCE OF AN AMBULANCE.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. The Levy Court of Kent County shall and is hereby authorized and directed to appropriate the sum of Five Hundred (\$500.00) Dollars annually to the Leipsic Volunteer Fire Company to be used in the maintenance of its ambulance.

The said sum of Five Hundred (\$500.00) Dollars shall be paid by the Levy Court of Kent County to the said Leipsic Volunteer Fire Company on the first day of May of each year.

Approved March 17, 1953.

CHAPTER 9

AUTHORIZING LEVY COURT APPROPRIATION FOR CHESWOLD  
AMBULANCE

**AN ACT AUTHORIZING THE LEVY COURT OF KENT  
COUNTY TO APPROPRIATE COUNTY MONEYS TO  
THE CHESWOLD VOLUNTEER FIRE COMPANY FOR  
THE MAINTENANCE OF AN AMBULANCE.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. The Levy Court of Kent County shall and is hereby authorized and directed to appropriate the sum of Five Hundred (\$500.00) Dollars annually to the Cheswold Volunteer Fire Company to be used in the maintenance of its ambulance.

The said sum of Five Hundred (\$500.00) Dollars shall be paid by the Levy Court of Kent County to the said Cheswold Volunteer Fire Company on the first day of May of each year.

Approved March 17, 1953.

## CHAPTER 10

### AUTHORIZING LEVY COURT APPROPRIATION FOR HARRINGTON AMBULANCE

#### **AN ACT AUTHORIZING THE LEVY COURT OF KENT COUNTY TO APPROPRIATE COUNTY MONEYS TO THE HARRINGTON VOLUNTEER FIRE COMPANY FOR THE MAINTENANCE OF AN AMBULANCE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The Levy Court of Kent County shall and is hereby authorized and directed to appropriate the sum of Five Hundred (\$500.00) Dollars annually to the Harrington Volunteer Fire Company to be used in the maintenance of its ambulance.

The said sum of Five Hundred (\$500.00) Dollars shall be paid by the Levy Court of Kent County to the said Harrington Volunteer Fire Company on the first day of May of each year.

Approved March 17, 1953.

## CHAPTER 11

AUTHORIZING TRANSFER OF CERTAIN FUNDS TO GENERAL FUND

**AN ACT AUTHORIZING THE STATE TREASURER TO  
TRANSFER CERTAIN FUNDS TO THE CREDIT OF THE  
GENERAL FUND OF THE STATE OF DELAWARE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The State Treasurer is authorized to transfer to the credit of the General Fund of the State of Delaware the amount of Fifty Four Thousand Four Hundred and Eighteen Dollars and Nine Cents (\$54,418.09) representing an unexpended balance of the Delaware Veterans' Military Pay Account which sum is now on deposit at the Farmers Bank at Dover to the credit of an account known as Delaware Veterans' Military Pay Account.

Section 2. The State Treasurer is authorized to transfer to the credit of the General Fund of the State of Delaware any balance remaining as at June 30, 1954 on deposit at the Farmers Bank at Dover to the credit of an account known as Delaware Veterans' Military Pay Account.

Section 3. The sum authorized to be transferred to the credit of the General Fund of the State of Delaware under Section 1 and 2 of this Act, together with sums previously reverted, shall constitute full repayment of the appropriation of Seventy Five Thousand Dollars (\$75,000.00) from the General Fund of the State of Delaware for the expenses of the administration of the Veterans' Military Pay Act said repayment being required by Section 8 of such Act as found in 47 Delaware Laws, (Special Session), Chapter 1, Section 8.

Approved March 17, 1953.

## CHAPTER 12

**AUTHORIZATION TO ISSUE CURRENTLY DATED CHECKS TO REPLACE  
OUTSTANDING CHECKS OF DELAWARE VETERANS' MILITARY PAY**

**AN ACT AUTHORIZING THE STATE TREASURER AND  
STATE AUDITOR TO ISSUE CURRENTLY DATED  
CHECKS IN PLACE OF CERTAIN OUTSTANDING  
CHECKS ISSUED BY THE DELAWARE VETERANS'  
MILITARY PAY COMMISSION.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. The State Treasurer and State Auditor are authorized, upon submission of satisfactory proof thereof, to issue currently dated checks against the Delaware Veterans' Military Pay Account to replace any lost, out-dated or mutilated checks which have not been cashed and to issue these checks in the name of the original payee, or of his estate or legally appointed guardian or of the custodian of the funds of any incompetent veteran.

Approved March 17, 1953.

## CHAPTER 13

PROHIBITING USE OF RAKES AND DREDGES IN CERTAIN WATERS

**AN ACT TO AMEND CHAPTER 9, TITLE 7, DELAWARE CODE OF 1953, ENTITLED "CONSERVATION" BY PROHIBITING THE USE OF RAKES AND DREDGES IN CERTAIN INLAND WATERS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 916, Title 7, Delaware Code of 1953, is amended by adding a new paragraph at the end of the first paragraph thereof as follows:

"No person shall operate at any time a sail boat or a boat propelled by steam, gasoline, naphthalene or any other motor power using rakes or dredges in the Indian River, Indian River Bay, Assawoman Bay or Rehoboth Bay in areas set aside for the use of the public and not heretofore leased to persons by the Delaware Commission of Shell Fisheries."

Approved March 17, 1953.

## CHAPTER 14

## PROVIDING FOR LICENSING COMBINATION VEHICLES

**AN ACT TO AMEND TITLE 21, CHAPTER 21 OF DELAWARE CODE OF 1953 WITH REGARD TO REGISTERING OF VEHICLES AND TAGS BY PROVIDING FOR "COMBINATION VEHICLES".**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2155. (a), Title 21, Delaware Code of 1953 is amended by striking the phrase "commercial vehicles" wherever it appears therein and substituting the phrase "combination vehicles".

Section 2. § 2121. (b), Title 21, Delaware Code of 1953 is amended by adding at the end thereof a new paragraph as follows:

"The number plates for combination vehicles as defined in section 2155 of this title shall display thereon the letters  $\frac{P}{C}$  .

Approved March 17, 1953.



## CHAPTER 15

PROHIBITING OUT OF DOOR FIRES AND SUSPENDING OPEN SEASON  
ON GAME UNDER CERTAIN CONDITIONS

**AN ACT TO AMEND CHAPTER 21, TITLE 29, DELAWARE CODE OF 1953, ENTITLED "GOVERNOR" BY AUTHORIZING THE GOVERNOR TO PROHIBIT BY PROCLAMATION THE SETTING OF, OR PERMITTING ANY OUT-OF-DOOR FIRES UNDER CERTAIN CONDITIONS WITHIN DESIGNATED AREAS OF THIS STATE; TO SUSPEND THE OPEN SEASON ON GAME WITHIN SUCH AREAS; PROVIDING FOR THE EFFECTIVE TIME AND RESCINDING OF SUCH PROCLAMATION AND PROVIDING PENALTIES THEREFOR.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 29, Delaware Code of 1953, is amended by adding the new section as follows:

**§ 2111. Special powers in case of extreme fire hazard**

The Governor, may by proclamation, upon the recommendation of the State Forester of the existence of extreme wild fire hazard under conditions of drought or other conditions or situations creating a fire hazard detrimental to the public interest, declare, designate, and establish definite areas within which it shall be unlawful during the period covered by the proclamation to set fire to or in any manner cause to be set on fire any marsh, woods, cuttings of forest growth, leaves, grass or other material or to kindle a camp fire or have any out-of-door fire. The Governor may also by proclamation suspend any open hunting season of wild life under the above conditions within any designated areas.

Any such proclamation shall be in full force and effect at the expiration of twenty-four (24) hours after public notice is given in the manner the Governor shall determine and shall remain in full force until rescinded by the Governor.

Whoever violates the provisions of this section shall be fined not less than twenty five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or imprisoned not less than thirty (30) days nor more than ninety (90) days or both.

Approved March 17, 1953.

## CHAPTER 16

REMOVING SPECIAL LIMITATIONS AS TO EMPLOYEES OF THE  
BANK COMMISSIONER**AN ACT TO AMEND TITLE 5, DELAWARE CODE OF 1953  
IN REGARD TO THE STATE BANK COMMISSIONER  
BY REMOVING SPECIAL LIMITATIONS AS TO EM-  
PLOYEES OF THE COMMISSION.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 103. (a), Title 5, Delaware Code of 1953 is amended to read as follows:

(a) The Commissioner may appoint not more than two deputies and may employ such personnel as shall be necessary for the making of examinations of and giving adequate supervision over the corporations under his jurisdiction and lending such aid and counsel to the officers and directors of said corporations as the situation or the circumstances may require, and in general, for the proper conduct of the affairs of the office and to discharge in a proper manner the duties imposed upon him by law.

Approved March 17, 1953.

## CHAPTER 17

PROVIDING FOR GENERAL REGISTRATION EVERY FOUR YEARS  
AND LIMITED ABSENTEE REGISTRATION

**AN ACT TO AMEND TITLE 15, DELAWARE CODE OF 1953  
IN RESPECT TO REGISTRATION OF VOTERS BY PRO-  
VIDING FOR A GENERAL REGISTRATION EVERY  
FOUR YEARS; FOR LIMITED ABSENTEE REGISTRA-  
TION; AND FOR GENERAL CHANGES IN REGISTRA-  
TION TIMES, PLACES AND PROCEDURE.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 1102, Title 15 of the Delaware Code of 1953  
is amended by striking all of § 1102 and inserting in lieu there-  
of the following:

**§ 1102. General registration every four years; effective  
until next general registration**

(a) During the year 1954 and prior to the general elec-  
tion to be held in that year, there shall be a registration of all  
persons resident in this State who shall be qualified to vote in  
the general election held in that year. During every fourth year  
after the year 1954 and prior to the general election to be held  
during every such fourth year, there shall also be a registration  
of all persons resident in this State who shall be qualified to  
vote in the general election to be held in the year of such regis-  
tration. The registration in the year 1954 and in every fourth  
year thereafter shall be known as a "general registration", and  
each general registration shall be effective and have application  
only until the next general registration had four years there-  
after.

(b) During each year in which a general registration is  
held, and prior to the general election to be held in each such  
year, there shall also be a registration of all persons qualified  
to vote at the general election to be held in such year who are  
temporarily absent from this State and are in the Armed Forces

or Merchant Marine of the United States of America, or retainers or persons accompanying or serving therewith, or who are absent from this State because of illness or injury received while serving in any such capacity. The registration of all such persons shall be a part of the general registration.

(c) No person whose name appears in a general registration shall be required to register again until the next general registration unless he becomes disqualified or ceases for any reason to be a qualified voter in the election district in which he is registered in the general registration or unless a special registration, as provided for in sections 1104 and 1307 of this title, is held in such election district.

(d) With respect to any elections held in this State prior to the year 1954, the registration heretofore applicable in this State and the laws relating thereto, shall apply. Commencing with the year 1954, the provisions of this chapter as to registration shall apply.

Section 2. § 1103, Title 15 of the Delaware Code of 1953 is amended by striking all of § 1103 and inserting in lieu thereof the following:

**§ 1103. Supplementary registrations every four years; effective until next general registration**

(a) During the year 1956, and prior to the general election to be held in that year, there shall be a registration of all persons resident in this State who shall be qualified to vote in such general election and whose names do not appear as qualified voters on the registration from the general registration held in 1954. During every fourth year after the year 1956 and prior to the general election to be held during every such fourth year, there shall also be a registration of all persons resident in this State who shall be qualified to vote in the general election to be held in the year of such registration but whose names do not appear as qualified voters on the registration from the next previous general registration. The registration in the year 1956 and in every fourth year thereafter shall be known as a

"supplementary registration", and shall be effective and have application only until the next ensuing general registration had in accordance with section 1102 of this title.

(b) During each year in which a supplementary registration is held, and prior to the general election to be held in each such year, there shall also be registration of all persons qualified to vote at the general election to be held in such year who are temporarily absent from this State and are in the Armed Forces or Merchant Marine of the United States of America, or retainers or persons accompanying or serving therewith, or who are absent from this State because of illness or injury received while serving in any such capacity, and whose names do not appear as qualified voters on the registration from the next previous general registration. The registration of all such persons shall be a part of the supplementary registration for each such year.

Section 3. § 1104, Title 15 of the Delaware Code of 1953 is amended by striking out all of § 1104 and inserting in lieu thereof the following:

**§ 1104. Special registrations; books not available**

If the registration books for any election district are lost, destroyed, mutilated or defaced so that they are not available for use at an ensuing election at which the books would otherwise be used, a new registration, to be known as a "special registration" shall be held in such election district in accordance with the provisions of section 1307 of this title. But if one of the Registers and one of the Books of Registered Voters for such election district are in such condition that the contents thereof can be accurately transcribed, no such special registration shall be held and the contents thereof shall be transcribed in the manner prescribed by section 1306 of this title.

Section 4. § 1105, Title 15, Delaware Code of 1953 is amended by striking out all of § 1105 and inserting in lieu thereof the following:

**§ 1105. Registration dates and hours in election districts**

Registration officers shall sit for the purpose of ascertaining and registering the persons who are qualified to enjoy the right of an elector and who apply in person for registration, and whose names do not already appear as qualified voters on the registration books for such election district, at the places in their respective election districts as have been selected and designated for the purpose of registration, from eight o'clock A. M. until seven o'clock P. M. with an intermission from twelve to one o'clock; on the second Wednesday of the month of July, and on the first and third Saturdays of the month of October prior to the election.

Section 5. § 1301, Title 15 of the Delaware Code of 1953 is amended by striking out all of § 1301 and inserting in lieu thereof the following:

**§ 1301. Registration books; furnished by governor**

The Governor in 1954, and every four years thereafter, shall cause registration books to be prepared, at the expense of the State, and not later than April 1 of the year 1954 and of every fourth year thereafter, shall furnish the necessary registration books for the use of the Bureau and Departments, respectively, and for the use of the local registration officers in each election district in this State.

The cost of registration books supplied by the Governor shall be paid by the State.

Section 6. § 1304, Title 15 of the Delaware Code of 1953 is amended by striking out all of § 1304 and inserting in lieu thereof the following:

**§ 1304. Use of registration books for general and supplementary registrations; use until filled**

(a) The Registers and Books of Registered Voters which are used in making a general registration shall also be used in making the supplementary registration following such general registration, until they become so filled with entries that they

can no longer conveniently be used for such purpose, in which case new books shall be obtained in accordance with the provisions of section 1305 of this title.

(b) The supplementary registration following a general registration shall begin in the Register immediately after the end of the general registration to which it is a supplement as follows:

(c) On each page of the Register where the said general registration ends, the Registrar shall write the words "The Supplementary Registration of Qualified Voters in ..... Election District of ..... Representative District in ..... County for the year ....., " and shall, on the line immediately below such entry, begin with the entries concerning persons applying for registration at such supplementary registration.

Section 7. § 1307, Title 15 of the Delaware Code of 1953 is amended by striking out all of § 1307 and inserting in lieu thereof the following:

**§ 1307. Registration books for special registration; procedure**

(a) If upon examination it is found that both sets of registration books for any election district in this State are lost, destroyed, mutilated, or defaced so that they are not available for use at the next ensuing election at which such books would otherwise be used, then the Bureau or Department having custody of the registration books shall certify such fact to the Governor, who shall, prior to the first day of April of the year in which such next ensuing election is to be held, supply the Bureau or Department with the necessary registration books for a special registration, in such election district, of the same form and design as described in this chapter. The Bureau or Department receiving registration books from the Governor for a special registration shall deliver the books to the Registrars of the election district wherein the special registration is to be had, at least five days prior to the first registration day in the year in which such next ensuing election is to be held.



(b) In making a special registration the registration officers shall, in the same manner as provided in section 1722 of this title, record in the Registers the names of all persons appearing in person for registration, and shall enter opposite each name the statements and facts set forth in such section 1722, and they shall make up the Books of Registered Voters in the same manner as provided in section 1723 of this title.

(c) The Bureau or Department having custody of registration books shall, at least 10 days prior to the first day set for the purpose of registration as aforesaid, give public notice, by advertisements posted in 10 or more of the most public places in such election district, that the original registration books are no longer available and that it has become necessary to have a special registration in the election district, and of the places where the registration officers shall sit for the registration of electors and the day or days when they will sit at each place.

Section 8. § 1308, Title 15 of the Delaware Code of 1953 is amended by striking all of § 1308 and inserting in lieu thereof the following:

**§ 1308. Status of new registration books; endorsements**

The new registration books for a special registration shall be respectively the Registers and the Books of Registered Voters to be used for the next ensuing election.

The new Registers shall be endorsed upon the back of and at the head thereof with the words "Register of ..... Election District ..... Representative District of ..... County", together with the day, month and year when the same were received by the Bureau or Department.

The new Books of Registered Voters shall be endorsed "Books of Registered Voters of ..... Election District of ..... Representative District of ..... County".

Endorsements as provided in this section shall be made by the president of the Bureau or Department.

Each of the Registrars, immediately upon receiving the new Registers and Books of Registered Voters, shall endorse upon the back and write at the head of each Register and Book of Registered Voters delivered to him, the name of the County, the name of the representative district and the name of the election district of which he is a Registrar and of which such books shall respectively be the Registers and Books of Registered Voters and the date when the books were received by him and shall sign such endorsements.

Section 9. § 1309, Title 15 of the Delaware Code of 1953 is amended by adding at the end thereof a subsection to be known as (c) as follows:

(c) If the Bureau or Department having jurisdiction determines that the transfer of names provided for in subsections (a) and (b) of this section cannot be accurately carried out, the Bureau or Department may in its discretion require that a special registration be held in the divided election districts. Such special registrations shall be conducted in the same manner as special registrations which are held when the registration books are lost, destroyed, mutilated or defaced.

Section 10. § 1702, Title 15 of the Delaware Code of 1953 is amended by striking all of § 1702 and inserting in lieu thereof the following:

§ 1702. Registration of qualified voters and striking of names at bureau or department

(a) In the month of April in each year in which a general election is held, the Bureau of Registration for New Castle County, the Department of Elections for Kent and Sussex Counties, respectively, shall appoint Auxiliary Registration Officers who shall within their respective Counties have all the powers and authority of local registration officers in their election districts to register qualified voters who appear personally for the purpose of registering and whose names do not appear as qualified voters on the Registers and Books of Registered Voters for the proper election district. The Auxiliary Registration

Officers shall meet, at least once each week during the months of April, May and June and not less than 15 days during the regular work days and work hours of the public offices in the building in which they shall meet during the month of September of the year of their appointment, at the respective offices of the Department or Bureau by which they were appointed.

(b) Public notice of the days and hours and place of said meetings shall be given at least once, not less than ten days prior to the commencement of said meetings, by the Bureau or Department by advertisement published in one or more newspapers of general circulation throughout the County and by notice posted in two or more of the most public places in each election district.

(c) The Auxiliary Registration Officers shall use the same Registers and Books of Registered Voters as are used by the local registration officers in their respective election districts in performing the like duties.

(d) In each year in which a general election is held in this State, the Bureau of Registration for New Castle County, the Department of Elections for Kent County and the Department of Elections for Sussex County, respectively, shall meet at their respective County offices to strike off names under the same conditions and restrictions, with right of appeal in all cases, as in the case of local registration officers sitting in their respective local election districts during a supplementary registration as described in this chapter, giving like public notice, in all cases, of the days and hours of such sitting, as is required to be given in the case of registration in the several election districts, and using the same Registers and Books of Registered Voters as are used by the local registration officers in their respective election districts in performing the like duties.

Section 11. § 1703, Title 15 of the Delaware Code of 1953 is amended by striking all of § 1703 and inserting in lieu thereof the following:

**§ 1703. Auxiliary registration officers; appointment; powers and duties; term of office; compensation; recommendation of political parties; oath**

(a) For the purposes of section 1702, the Bureau of Registration for New Castle County, the Department of Elections for Kent County, and the Department of Elections for Sussex County, respectively, may appoint Auxiliary Registration Officers who shall be residents of the county in which they are to serve. The Auxiliary Registration Officers shall have all the powers that are vested in and shall be required to perform all the duties, so far as consistent, that are imposed upon registration officers generally by any laws of this State. The Auxiliary Registration Officers before entering upon their duties shall take and subscribe the oath required of other registration officers.

(b) The County Executive Committee of each of the two principal parties shall furnish the Bureau or Department by the first day of April of the year in which the appointments are to be made a list of ten names of qualified persons from which the Bureau or Department shall make its appointments. If the Department or Bureau intends to appoint more than five Auxiliary Registration Officers from each of said parties, the Department or Bureau may request additional names to be submitted by the County Executive Committee of each of the two principal parties. If the list of names is not furnished to the Bureau or Department by the first day of April, or if the additional list of names is not furnished within ten days after the delivery of the request for additional names to the Secretary of the County Executive Committee, the Bureau or Department may appoint qualified persons of such political faith; otherwise all Auxiliary Registration Officers shall be appointed from the list or lists furnished as aforesaid.

(c) Auxiliary Registration Officers appointed under the provisions of this section shall be equally divided between the two principal political parties in this State; their compensation shall be fixed by, and they shall serve at the pleasure of, the Bureau or Department making the appointment. The compensation of such Auxiliary Registration Officers shall be paid by the Levy Court of the County in which such officers serve, upon certification to the said Levy Court by the President and Secretary of the Bureau or Department making the appointment.

Section 12. § 1704, Title 15 of the Delaware Code of 1953 is amended by striking out all of § 1704 and inserting in lieu thereof the following:

**§ 1704. Striking names of persons disqualified**

The Bureau and each Department in each year in which a general election is held, and prior to the first registration day in the year, shall strike or cause to be struck from the Registers and Books of Registered Voters in each election district the name of every person appearing on the books who since his registration has become disqualified, or for any reason has ceased to be a qualified voter in the election district in which he registered.

Before any name shall be stricken from the registration books, for any of the causes stated in this section, the Bureau or Department shall give notice of such intention and the reason therefor, by registered mail, directed to such registered voter at the post office address as the same shall appear in the Registers, and the date when such matter shall be passed on by the Bureau or Department. Such notice shall be mailed not later than 5 days next preceding the sitting of the Bureau or Department to act upon such notice of intention to strike such name from the list of registered voters. If at such meeting of the Bureau or Department it shall be established to their satisfaction that the person is a duly qualified voter in the election district, then his name shall not be stricken from the registration books; but if it shall not be so established, the Bureau or Department shall draw or cause to be drawn, in the Registers, a heavy line in ink through the name of such person in the column headed "Registered Voter" and a line shall be drawn through his name as first entered, but in such a manner that his name shall remain legible, and in the column headed "Remarks" opposite his name shall be written the reason for such disqualification.

Section 13. § 1707, Title 15 of the Delaware Code of 1953 is repealed.

Section 14. § 1901, Title 15 of the Delaware Code of 1953 is amended by striking all of § 1901 and inserting in lieu thereof the following:

**§ 1901. Additional registration at administrative offices or by absentee registration**

(a) In addition to the registration days as elsewhere provided by law, the Bureau of Registration for New Castle County and the Department of Elections for Kent and Sussex Counties shall sit each day, Saturdays, Sundays and legal holidays excepted, during the regular office hours of the Bureau or Department, and such other hours as the Bureau or Department deems necessary in the office of the Bureau or Department during all of each year in which a general election is to be held in this State and up until 10 days prior to the date of such general election, for the purpose of registering every qualified elector who is a member of the Armed Forces of the United States of America, or of the Merchant Marine of the United States of America, or who is serving with the American Red Cross, the Society of Friends, or the United Service Organizations, attached to and serving with the Armed Forces of the United States of America, or who has received official notice of induction or acceptance into any such services, and whose name does not already appear as a registered voter on the registration books for his or her election district and who appears in person at the office of the Bureau or Department.

(b) Every person who is absent from this State and is a member of the Armed Forces of the United States of America, or of the Merchant Marine of the United States of America, or is serving with the American Red Cross, the Society of Friends or the United Service Organizations and is therewith attached to and serving with the Armed Forces of the United States of America, or who is absent from this State because of illness or injury received while serving in any such capacity, and further who was a resident of an election district of this State at the commencement of his said membership or service, may also register in said election district under the provisions of section 1906 of this title as provided in Section 4 B, Article V of the Constitution of the State of Delaware, provided that he—

(1) will be the age of twenty one years or older on or before the day of the general election next succeeding his or her registration; and

(2) commenced his said membership or service at least thirty days prior to the day of the general election next succeeding his registration; and

(3) has either been a member of said armed forces or said Merchant Marine or has been serving as aforesaid for at least one year prior to the day of the general election next succeeding his registration or else was a bona fide resident of this State one year or more prior to such day; and, if the latter,

(4) has either been a member of said Armed Forces or said Merchant Marine or has been serving as aforesaid for at least six months prior to the day of the general election next succeeding his registration or else was a bona fide resident of the county in which said election district is located six months or more prior to such day; and

(5) can read the Constitution of this State in English, and write his name, unless prevented by reason of physical disability; and

(6) has not been convicted of a crime deemed by law a felony and has not within 10 years next preceding the day of the general election next succeeding his registration been convicted of violating Section 7 of Article V of the Constitution of this State.

(c) Registration made under this section in a year in which a general registration is held shall be a part of the general registration for such year. Registration made under this section in any year in which a "supplementary registration" is held shall be a part of such supplementary registration. In either event, registration under this section shall be good and effective only until the next succeeding general registration as provided by the laws of this State.

Section 15. Chapter 19, Title 15 of the Delaware Code of 1953 is amended by adding thereto 4 new sections as follows:

**§ 1906. Absentee registration; procedure**

(a) Any person meeting the tests laid down in section 1901 (b) of this title may register absentee by applying in writing to the Bureau or Department for an absentee registration affidavit at any time during the year in which a general election is to be held in this State up to, but not after, thirty days before the general election is to be held and by returning such affidavit to the said Bureau or Department no later than ten days prior to election day. The application for such affidavit must be received by the Bureau or Department no later than thirty days prior to election day.

(b) The absentee registration affidavit shall be in the form set forth in section 1907 of this title and shall be made before any commissioned officer of the armed forces or Merchant Marine of the United States of America or before any other officer authorized by law to administer oaths. It shall be returned, duly authenticated as above, in an envelope addressed to the Bureau or Department of the County in which the affiant claims to be a resident.

(c) The Bureau or Department, on request made in writing therefor, shall forthwith mail the necessary blank forms of the absentee registration affidavit, in duplicate, to all persons applying for them. The affiant may retain the duplicate copy of such affidavit. Upon receipt of the affidavit by the Bureau or Department within the time permitted herein, the Bureau or Department shall record the affiant's name in the proper books of registration as a qualified voter duly registered to vote.

**§ 1907. Absentee registration affidavit; form**

The absentee registration affidavit shall be in substantially the following form and contain the information requested in such form:



STATE OF ..... }  
COUNTY OF ..... } ss.

I, .....  
do solemnly swear (or affirm) that I am a resident of the  
.....election district of the  
.....representative district in the County  
of....., State of Delaware, and am  
entitled to register as a qualified voter in the general election  
to be held in said district during the year in which this affidavit  
is dated; that I am absent from the State of Delaware and do  
not expect to be present in the State of Delaware at any time  
from the date of this affidavit until ten days before the date of  
such general election; that I am absent because:

- ☐ I am a member of the Armed Forces of the United  
States of America;
- ☐ I am a member of the Merchant Marine of the United  
States of America;
- ☐ I am serving with the American Red Cross attached to  
and serving with the Armed Forces of the United  
States of America;
- ☐ I am serving with the Society of Friends attached to  
and serving with the Armed Forces of the United  
States of America;
- ☐ I am serving with the United Service Organizations  
attached to and serving with the Armed Forces of  
the United States of America;
- ☐ I am suffering from an illness or injury received while  
serving in any of the foregoing capacities;

that I was a resident of the said election district at the com-  
mencement of my aforesaid membership (or service); and that  
the following information concerning me is true and correct:

1. Name: .....  
Surname                      Christian Name                      Initial or Initials
2. Age:                      Date of Birth:
3. Nativity:

4. Residence:
5. State:                      Length of:
6. County:                      Length of:
7. Election District:                      Length of:
8. If naturalized, the date:
9. If naturalized, what court:
10. Previously registered:
11. If so, where and when:
12. Date of commencement of membership  
in Armed Forces or Merchant Marine or  
Service with specified related services:
13. Convicted of a crime deemed by law a felony:
14. Convicted of violating Section 7, Article V  
of Constitution of Delaware:                      If so, when:
15. Can read the Constitution of Delaware in  
English, except for physical disability:
16. Can write name, except for physical  
disability:

Signed:.....

Subscribed and Sworn to (or affirmed) before me this  
.....day of.....A. D., 19.....

.....  
Commissioned Officer, Notary Public or  
other qualified person (state title).

**§ 1908. Absentee registration affidavit; application for by  
applying for absentee ballot; mailing affidavit with absentee bal-  
lot; registration by affidavit so received**

Whenever any person not a registered elector for the year  
in which a general election is to be held who meets the tests laid

down in section 1901 (b) of this title shall apply in writing to the Department of the County of which he claims to be a resident, for an absentee ballot, within the time provided therefor by the laws of this State, the Department shall mail to the applicant along with the absentee ballot, envelopes and instructions, the necessary blank forms of the absentee registration affidavit, in duplicate, in the form set forth in section 1907 of this title, to be executed and returned by the applicant as provided in section 1906 of this title.

If the absentee registration affidavit is properly executed, authenticated and returned as provided in section 1906 of this title, and if the information contained therein shows that the applicant is otherwise qualified to vote under the laws of this State, the applicant shall be deemed a qualified voter duly registered to vote to the same extent and with the same effect as if he had followed one of the other authorized methods of registration; and the Bureau or Department shall record proper entries in the registration books showing that the applicant is duly registered to vote.

If the applicant is registered under the provisions of this section, his absentee ballot, if it and the necessary affidavits and envelopes in connection therewith are properly executed and returned in accordance with the laws of this State, shall be counted as every other valid and proper absentee ballot under the laws of this State.

If the Bureau or Department determines from the absentee registration affidavit that the applicant is not an otherwise qualified voter under the laws of this State or that the affidavit is not sufficiently executed, it shall mark "rejected" on the affidavit and write thereon the reasons therefor and shall not record or enter the applicant as a duly registered elector and shall not count his or her absentee ballot.

#### **§ 1909. Retention of absentee registration affidavits**

All absentee registration affidavits received by the Bureau or Department shall be retained by it as part of its records until the next succeeding general registration.

Section 16. § 2109, Title 15 of the Delaware Code of 1953 is amended by adding at the end thereof a new paragraph to read as follows:

Unless the Registrar is required to retain registration books for appearance before a Judge or Court as provided in this section such books shall be promptly returned to the Department or Bureau after the registration day in the districts during July and after the second registration day in the districts during October.

Approved March 20, 1953.

## CHAPTER 18

### PROVIDING FOR USE OF VOTING MACHINES

**AN ACT TO AMEND TITLE 15 DELAWARE CODE OF 1953, RELATING TO ELECTIONS BY PROVIDING FOR THE USE OF VOTING MACHINES, BY PROVIDING REGULATIONS FOR THE ACQUISITION, STORAGE AND USE OF VOTING MACHINES AND BY REQUIRING LEVY COURTS TO ACQUIRE NECESSARY VOTING MACHINES AND PROVIDING FOR PENALTIES FOR CERTAIN VIOLATIONS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 15 Delaware Code of 1953 is amended by adding thereto a new chapter to be designated "CHAPTER 50." as follows:

### CHAPTER 50. VOTING MACHINES

#### § 5001. Definitions

(a) As used in this chapter:

"Ballot" means that portion of the cardboard or paper or other material to be placed within the ballot frames of a voting machine containing the name of the candidates and the designation of the party by which he was nominated and the statement of any question submitted.

"Protective counter" means a separate counter built into the voting machine, which cannot be reset, which records the total number of movements of the operating lever.

"Question" means any proposition or other question to be submitted to the voters.

(b) All definitions contained in section 4101 of this title not inconsistent herewith are made applicable to this chapter.

**§ 5002. Requirements**

(a) Any voting machine may be adopted, purchased or used which shall be so constructed as to fulfill the following requirements.

1. Each voting machine shall have a serial number permanently attached to or stamped on the machine;

2. It shall secure to the voter secrecy in the act of voting for or against as many questions as may be submitted;

3. It shall permit the voter to vote for the candidates of one or more parties;

4. It shall permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for, but no more;

5. It shall prevent the voter from voting for the same person more than once for the same office;

6. It shall permit the voter to vote for or against any question he may have the right to vote upon, but no other;

7. If used in primary elections, it shall be so equipped that the election officials can lock out all rows except those of the voter's party by a single adjustment on the outside of the machine;

8. It shall correctly register or record, and accurately count all votes cast for any and all persons, and for or against any and all questions;

9. It shall be provided with a protective counter or protective device whereby any operation of the machine before or after the election will be detected;

10. It shall be provided with a counter which will show at all times during any election the total number of persons who have voted;

11. It shall be provided with one device for each party, for voting for all presidential electors of that party by one operation.

(b) Every voting machine shall be furnished with a means of providing sufficient light to enable voters while in the voting booth to read the ballots and suitable for use by the election officers in examining the counters. All voting machines used in any election shall be provided with a screen, hood or curtain which shall be so made and adjusted as to conceal the voter and his action while voting.

(c) Voting machines of different kinds may be adopted for use in different districts of the same county.

#### **§ 5003. Compliance guarantee**

Before any voting machine is purchased, rented or otherwise acquired, or used, the person owning or manufacturing such machine must give an adequate guarantee, in writing and post a bond, accompanied by satisfactory surety with the Department of Elections, guaranteeing and securing that such machines comply fully with the requirements contained in section 5002 and will correctly, accurately and continuously register and record every vote cast, and further guaranteeing such machine against defects in workmanship and materials for a period of five years from the date of acquisition thereof, or, in the case of rented machines, for the period of rental.

#### **§ 5004. When used**

Voting machines shall be used throughout the State in all general and special elections, in municipal elections in the City of Wilmington, and in primary elections held under the provisions of chapter 31 of this title in those districts where a contest exists. Voting machines shall not be used in elections held under the provisions of title 14 of the Delaware Code of 1953 or in municipal elections other than municipal elections held in the City of Wilmington.

#### **§ 5005. Acquisition of machines**

(a) Each Department of Elections shall certify to the Levy Court:

1. The number of machines required and;

2. The makes of voting machines on which bids shall be requested.

(b) As soon as possible after receiving the request for voting machines, the Levy Court shall obtain competitive bids for the purchase or rental of such machines. Thereafter, not later than September 1, 1953, the Department of Elections shall certify to the Levy Court the bid to be accepted and the Levy Court shall award the rental or purchase contract. Such machines shall be delivered in such time that they will be available at least one month prior to the next election.

**§ 5006. Number of voters for each machine**

In election districts containing 600 or less registered voters there shall be one voting machine. In election districts containing more than 600 registered voters there shall be at least one voting machine for each additional 600 registered voters or majority fraction thereof.

**§ 5007. Payment for machines**

The Levy Court of each County shall provide voting machines by rental for a period of not more than five years on terms approved by the Levy Court, or may purchase voting machines and shall provide for the payment therefor in such manner as it may deem for the best interest of the County.

**§ 5008. Printing of official ballots for voting machines; adjustment of machines for ballots; distribution of ballots**

(a) All ballots provided for voting machines shall be printed in black ink on clear, white material, of such size as will fit the ballot frame, and in as plain, clear type as the space will reasonably permit. The face of the ballot shall be completely covered with a protective covering of smooth, hard, transparent material so that it shall be impossible to alter the face of the ballot without removing or breaking such covering.

(b) The party emblem for each political party represented on the machine, which has been duly adopted by such party



in accordance with law, and the party name or other designation shall appear on the ballot. The titles of offices may be arranged horizontally, with the names of candidates for an office arranged vertically under the title of the office, or the titles of offices may be arranged vertically, with the name of candidates for an office, arranged horizontally opposite the title of the office, each office to occupy as many columns or rows on the machine as the number of candidates to be elected to that office. The names of all candidates nominated by any party for an office shall always appear in the row or column containing generally the names of candidates nominated by such party for other offices except as hereinafter provided.

(c) The machine shall be so adjusted that when one or more knobs, equaling the total number of persons to be elected to that office shall have been operated, all other knobs used in connection with that office shall be thereby locked. After the last candidate's name at the right in any horizontal row, or below the last candidate's name in any vertical column, the knob or knobs, if there be any, under or opposite the title or titles of office or offices shall be locked; all knobs shall be locked in any row or column which contains no names of candidates and all knobs shall be locked in spaces, if any, which do not contain names of candidates even though names of candidates appear in other spaces in the same row or column.

(d) Official ballots provided for voting machines shall be prepared and furnished by the Clerk of the Peace of each County in the same manner as now provided by law, and shall be delivered to the Department of Elections not later than 15 days prior to the next succeeding election.

#### **§ 5009. Number of official ballots to be furnished**

The Clerk of the Peace shall provide and furnish to the Department of Elections two sets of official ballots for each voting machine, one set thereof shall be placed in the voting machine and the other shall be retained in the custody of the Department of Elections, unless it shall become necessary during the course of the election to make use of the same in a voting machine.

### § 5010. Substitute ballots

If the official ballots for an election district shall not be delivered in time for use on election day or after delivery shall be lost, destroyed or stolen, the Clerk of the Peace shall cause other ballots to be prepared, printed or written as nearly as may be of the form and description of the official ballots, and the Department of Elections shall cause the ballots so substituted to be used at the election in the same manner, as nearly as may be, as the official ballots would have been.

### § 5011. Sample ballots

(a) The Clerk of the Peace shall also provide for each election district two sample ballots applicable to such election district, which ballots shall measure approximately 10 inches by 12 inches and shall be arranged in the form of a diagram showing such portion of the front of the voting machine as will appear after the official ballots are arranged therein for voting. Such sample ballots shall be posted in a conspicuous place in each polling place on election day. Such sample ballots shall be delivered to the Department of Elections which shall in turn deliver them with other election supplies to the proper election officers throughout the County.

(b) The Clerk of the Peace shall deliver to the county chairman of each political party, free of charge, that number of sample ballots which is 40 per cent of the number of voters in each election district who at the last general election voted for the head of the ticket of such political party. The total number of sample ballots delivered under this subsection shall not exceed 80 per cent of the total number of voters in each election district at the last general election. In the event there shall be more than two political parties with candidates on the official ballot, the Clerk of the Peace shall make an equitable division of the sample ballots to be distributed under this subsection, based upon the total vote received by each political party at the last general election, but the chairman of each of the two major political parties shall each receive not less than 30 per cent of the sample ballots to be distributed under this subsection.

(c) In addition to the sample ballots mentioned in subsections (a) and (b) of this section, the Clerk of the Peace in each county shall cause to be printed such further number of sample ballots as shall be directed by the chairman of any committee of any political party, in any county. However, the Clerk of the Peace shall not have printed any sample ballots upon the order or request of any chairman of any committee of any political party unless the request shall have been made to him in writing at least 65 days prior to the holding of the election at which the sample ballots are to be used, nor unless a deposit sufficient to cover the cost of the sample ballots be paid at the time they are ordered.

(d) The sample ballots to which the political parties shall be entitled hereunder shall be delivered to the County chairman of a political party or to his agent upon his request not more than ten days and not less than five days before the election for which said sample ballots have been prepared.

(e) A copy of a sample ballot shall be published in the same manner and under the same requirements as are applicable to the publication of paper ballots.

**§ 5012. Preparation of voting machines; notice; party representation**

(a) The Department of Elections shall have the voting machines and all necessary furniture and appliances at the proper polling places before the time fixed for opening of the polls. The counters shall be set at zero (000), and otherwise in good and proper order for use at such elections. The Department of Elections shall arrange for the placing of ballots in the ballot frames of the machine, the putting it in order, and the testing, adjusting and delivering the machine.

(b) Before preparing the voting machines for any election, written notice shall be mailed by the Department of Elections to the chairman of the county committee of the two principal parties, stating the time and place where the machines will be prepared. It shall be the privilege of each political party to have one representative present during the preparation and testing of the voting machines.

(c) The Department of Elections shall cause the voting machines to be prepared for the election and shall cause all registering counters to be set at zero (000), and the Department shall then cause each such registering counter to be tested for accuracy by casting votes upon it until each such registering counter is correctly registering each vote cast upon it. The Department shall then cause each registering counter to be reset at zero (000). The voting machine shall then be immediately sealed with a numbered metal seal. The Department of Elections shall certify the numbers of the machines, that all of the counters are set at zero (000), and the number registered on the protective counter and on the seal. Such certification shall be a public record in the office of the Department of Elections.

(d) After the preparation of the machines, the President of the Department of Elections or someone authorized by him, other than the person who has prepared the machines for election, shall examine each machine and report in writing, as to whether or not all of the registering counters are set at zero (000), the machine is arranged in all respects in good order for the election and locked, and as to the number registered on the protective counter, and on the seal.

(e) When a voting machine has been properly prepared for election, it shall be locked against voting and sealed; and the keys thereof shall be delivered to the Department of Elections.

(f) After the voting machine shall be transferred to the polling place, it shall be the duty of the election officers to provide ample protection against molestation or injury to the machine. The light fixture shall be prepared in good order for use before the opening of the polls.

#### § 5013. Instruction of election officers

Not more than 21 days and not less than 10 days prior to date of election, the Department of Elections shall cause the election officers who are to serve in an election district to be instructed in the use of the machines and in their duties in connection therewith. The Department of Elections shall give to each election officer who has received such instruction and is fully qualified to properly conduct the election with the machine,

a certificate to that effect. For the purpose of giving such instructions the Department of Elections shall call such meetings of the election officers as shall be necessary. The Department of Elections shall within five days, file a report which shall be a public record in the Department of Elections stating that the election officers have been properly instructed. The election officers shall attend such meetings, as shall be called for the purpose of receiving such instruction concerning their duties as shall be necessary for the proper conduct of the election with voting machines.

#### **§ 5014. Instruction of voters before election**

Each Department of Elections shall designate suitable and adequate times and places where voting machines containing sample ballots showing titles of offices to be filled, and so far as practicable, the names of candidates to be voted for at the next election shall be exhibited for the purpose of giving instructions as to the use of voting machines to all voters who apply for the same. No voting machine which is to be assigned for use in an election shall be used for such instruction after having been prepared and sealed for the election. During public exhibition of any voting machine for the instruction of voters previous to an election, the counting mechanism thereof shall be concealed from view.

#### **§ 5015. Voting machine out of order; procedure**

(a) In case any voting machine used in any election district shall, during the time the polls are open, become injured so as to render it inoperative in whole or in part, the Department of Elections shall, if possible, substitute a perfect machine for the injured machine, and at the close of the polls, the record of both machines shall be taken, and the votes shown on their counters shall be added together in ascertaining and determining the results of the election; but if no other machine can be prepared for use at such election, and the one injured cannot be repaired in time for use at such election, official paper ballots as provided in chapter 45 of this title may be used, received by the election officers and placed in ballot boxes provided by the

Department of Elections. Such paper ballots shall be counted, accredited, delivered and preserved as provided in chapters 45, 47 and 49 of this title.

(b) For possible use under provisions of this section the Clerk of the Peace shall prepare and furnish to the Department of Elections such official paper ballots as the Department of Elections shall request in writing not later than 30 days prior to an election.

(c) The Department of Elections shall maintain and hold in readiness a reasonable quantity of conventional election supplies and shall be ready to send such supplies together with paper ballots and instructions on election day to any election district which is eligible for such supplies under subsection (a) hereof.

**§ 5016. Procedure prior to opening of polls**

(a) The election officers of each election district shall attend at the polling place three-quarters of an hour before the time set for opening of the polls, and shall proceed to arrange the furniture, stationery and voting machine for the conduct of the election. The Department of Elections shall have the voting machines, ballots, and stationery required to be delivered to the polling place for such election. If not previously done, the election officers shall insert in their proper places on the voting machine, the ballot containing the names of officers to be filled at such election, and the names of candidates nominated therefor. The election officers shall cause to be posted conspicuously within the polling place the two instruction cards and two sample ballots. They shall see that the light for the voting machine is in good order and that it is lighted, if that is necessary, in order that the names upon the ballot shall be clearly visible. They shall inspect the screen, hood or curtain of the machine to make certain that it has not been damaged or tampered with so as in any manner to lessen or endanger the secrecy of voting. They shall see to it that no mirror is placed or allowed to remain in such a position so as to permit a view of any part of the front, sides or top of the voting machine.

(b) The keys to the voting machine shall be delivered to the election officers at least three-quarters of an hour before the time set for opening the polls, in a sealed envelope, on which shall appear the number and location of the voting machine, the number of the seal and the number registered on the protective counter or device. The envelope containing the keys shall not be opened until at least one election official from each of the two political parties shall be present at the polling place, and shall have examined the envelope to see that it has not been opened. Before opening the envelope, all election officers present shall examine the number on the seal on the machine, also the number registered on the protective counter, and shall see if they are the same as the number written on the envelope; and if they are not the same, the machine must not be opened until the custodian or other authorized person shall have presented himself at the polling place for the purpose of re-examining such machine and shall certify that it is properly arranged.

(c) If the numbers on the seal and protective counter are found to agree with the numbers on the envelope, the election officers shall proceed to open the doors concealing the counters, and each officer shall carefully examine every counter and see that it registers zero (000), and the same shall be subject to the inspection of official watchers. The machine shall remain locked against voting until the polls are formally opened, and shall not be operated except by voters in voting. The doors concealing the counters shall be locked before any vote is cast on the voting machine and shall remain locked until after the polls have closed. If any counter is found not to register zero (000), the election officers shall immediately notify the Department of Elections which shall cause each counter to be tested for accuracy by casting votes upon it and when it is ascertained that all of the counters are correctly registering each vote, the counters shall be adjusted to zero (000). The reading of the protective counter shall then be read and recorded. If it shall be impracticable for a member or representative of the Department of Elections to arrive in time to so adjust such counters before the time set for opening the polls, the election officers shall immediately make a written statement of the number on each counter and shall sign and post the same upon the wall of

the polling room, where it shall remain throughout the election day, and in filling out the statement of canvass, they shall subtract such number from the number then registered thereon.

**§ 5017. Location of voting machines; inspection of ballots**

(a) The arrangement of the polling place shall be the same as is now provided for by law; the exterior of the voting machine shall at all times be in plain view of the election officers. The voting machine shall be so placed that the ballots on the face of the machine can be plainly seen by the election officers and the party watchers when not in use by voters. No voting machine while in use for the purpose of voting shall be hidden or concealed in any voting place or in any manner, so as to hide or obscure the same from public view. The election officers shall not themselves be, or permit any other person to be in any position or near any position that will permit one to see or ascertain how a voter votes, or how he has voted.

(b) The election officer attending the machine shall inspect the face of the machine after each voter has cast his vote, to see that the ballots on the face of the machine are in proper places and that the machine has not been injured. During elections the door or other covering of the counter compartment of the machine shall not be unlocked or open, or the counters exposed except for good and sufficient reasons, after the failure of a voting machine, a statement of which shall be made and signed by the election officers and shall be sent with the returns.

**§ 5018. Persons permitted at polling place**

No person shall be permitted in or about the polling place except as provided by law with respect to elections where paper ballots and ballot boxes are used, with the exception of a member or representative of the Department of Elections while engaged in the testing, repairing or replacing of a voting machine which is out of order.



**§ 5019. Voting machine curtains**

Curtains on all voting machines shall be securely sealed or fastened before being used in any election so that the clearance lever cannot be operated without opening or closing curtains.

**§ 5020. Manner of voting**

When a voter presents himself for the purpose of voting, the election officer shall ascertain whether his name is upon the register of voters, and if his name appears thereon and is not challenged or a challenge be decided in his favor, one of the election officers to be stationed at the entrance of the voting machine shall announce the name of the voter and permit him to pass through the entrance to the booth of the voting machine for the purpose of casting his vote. Each judge shall then stamp or write the word "VOTED" in the column opposite the name of the voter in the Books of Registered Voters in his possession. No voter shall remain in the voting machine booth longer than three minutes, unless for good and sufficient reason he be granted a longer period of time by the election officers in charge. When the voter has cast his vote the voter shall at once leave the room. If he shall refuse to leave after a reasonable period he shall be removed by the election officers. No voter after having entered and emerged from the voting machine booth shall be permitted to re-enter the same on any pretext whatever. Only one voter at a time shall be permitted to enter the voting machine booth.

**§ 5021. Instructing voters on election day**

(a) Any voter requesting instruction shall be given such instruction by an election officer with reference to the sample ballots posted in the polling place.

(b) In case any voter, after entering the voting machine booth, shall ask for further instructions concerning the manner of voting, two election officers of opposite political parties shall give such instructions to him; but no person assisting a voter shall in any manner seek to influence his vote. After giving

instructions and before such voter shall have registered his vote, the persons assisting him shall retire and such voter shall then register his vote in secret.

**§ 5022. Blind or physically disabled voters**

The provisions of the election law relating to the assistance to be given to blind or physically disabled voters shall apply also where voting machines are used, and the word "booth", when used in such sections, shall be interpreted to include the voting machine enclosure or curtain.

**§ 5023. Tabulation of vote and proclamation of result**

As soon as the polls are closed, the Inspector of election shall immediately lock and seal the voting machine against voting. The Inspector then shall sign a certificate stating that the machine has been locked against voting and sealed; the number of voters as shown on the public counters; the number on the seal; the number registered on the protective counter. The judges then shall open the counting compartments in the presence of the watchers and all other persons who may be lawfully within the polling place, giving full view of all the counter numbers. The inspector shall then read and announce in distinct tones the vote recorded on each counter for each candidate. He shall also in the same manner read and announce the vote on each question. The counter shall not be read consecutively along the party row or column, but shall always be read along the office columns or rows, completing the tabulation for each office. The vote as registered shall be entered on the tabulation by the clerks. The figures shall be verified by being called off in the same manner from the counters of the machine by a Judge of opposite political faith from the Inspector. The certificates shall then be filled out, certified and placed in envelopes and sealed in accordance with the provisions applicable to elections in which paper ballots are used, which shall show the total number of votes cast for each candidate, as shown on his counter. The counter compartment of the voting machine shall remain open until the official returns and all other reports have been fully completed and verified by the election officers. Any candidate or duly accredited watcher who may

desire to be present shall be admitted to the polling place from the closing of the polls until count and tabulation are complete.

**§ 5024. Inspection of voting machines by board of canvass**

The Board of Canvass shall have the same power with respect to examining the counters or the voting machines that are now vested in the Board of Canvass with respect to opening ballot boxes and making a recount of the ballots contained therein.

**§ 5025. Locking the machine**

The election officers shall, as soon as the count is completed and fully ascertained, as by this law required, lock the counter compartment of such machine and the voting machine doors, and it shall so remain until opened under authority of law.

**§ 5026. Delivery of certificates and ballot boxes**

The procedure set out in chapter 49 of this title with respect to the holding and delivery of certificates of election officers and ballot boxes shall apply to certificates and ballot boxes provided for in this chapter, provided that where no ballot box is used the certificate which would have been deposited in the ballot box shall be delivered to the Department of Elections with the keys of the voting machine.

**§ 5027. Custody of voting machines and keys**

(a) The keys of the machine shall be enclosed in an envelope to be supplied by the Department of Elections on which shall be written the number of the machine and the election district and representative district where it has been used, which envelope shall be securely sealed and endorsed by the election officers, and shall be returned to the Department of Elections by one of the election officers on the day following the election. The number on the seal and the number registered on the protective counter shall be written on the envelope con-

taining the keys. All keys for voting machines shall be kept securely locked. No unauthorized person shall have in his possession any key of any voting machine and any persons entrusted with such keys for election purposes, or in the preparation of the machine therefor, shall not retain them longer than necessary to use them for such legal purpose. All machines shall be boxed and stored as soon after the close of the election as possible, and the machines and the boxes for the machines shall at all times be stored in a suitable place.

(b) The voting machines as stored in accordance with the provisions of this section shall be in the custody of the Prothonotary until after the Board of Canvass has completed its canvass of the vote and the machines while in the custody of the Prothonotary may be opened by order of the Board of Canvass or by order of a court of competent jurisdiction.

(c) After the Board of Canvass has completed its canvass of the vote the Prothonotary shall turn the custody of the voting machines over to the Department of Elections and the Department of Elections shall leave the machines undisturbed and locked until the succeeding February first. During this period the machines will be available for inspection by any duly authorized member or agent of the General Assembly. After February first the Department of Elections shall be free to unlock, inspect and repair any voting machines.

#### **§ 5028. Application of other election laws**

All laws relating to elections now in force shall apply to elections under this chapter so far as the same may not be inconsistent with or in conflict with this chapter, and no laws relating to elections now in force shall apply to elections under this chapter to the extent that they are inconsistent with or in conflict to this chapter.

Section 2. § 5117, Title 15, Delaware Code of 1953 is amended to read as follows:

**§ 5117. Tampering with election supplies or voting machines prior to opening of election**

Whoever, before the opening of the election—

(1) breaks any package containing ballots, envelopes, pencils and rubber bands;

(2) takes any ballot, envelope, pencil or rubber band from such package; or

(3) suffers the same to be done by another; or

(4) registers any vote on a voting machine; or tampers with, disarranges, defaces or impairs in any manner the use of or destroys a voting machine or the ballot on the face of a voting machine, shall be fined not less than \$300 nor more than \$500 and may be imprisoned not less than one nor more than two years.

Section 3. § 5134, Title 15, Delaware Code of 1953 is amended to read as follows:

**§ 5134. Fraudulent deposit or alteration of ballots or entering voting machine booth or casting vote**

(a) Whoever, being an election officer, at any election—

(1) knowingly and wilfully puts or causes to be put any ballot or ballots or other paper having the semblance thereof into any box used at such election for the reception of votes; or

(2) knowingly and wilfully causes or permits any ballot to be in the ballot box at the opening of the polls and before voting shall have commenced; or

(3) knowingly or wilfully or fraudulently puts any ballot or other paper having the semblance thereof into any ballot box unless the same is offered by an elector and his name has been found and checked upon the Registers; or

(4) fraudulent before, during or after the reading and count of the ballot, in any manner changes, substitutes or alters any ballot; or

(5) removes any ballot or semblance thereof from, or adds any ballot or semblance thereof to, the ballots found in any such ballot box upon the closing of the polls; or

(6) knowingly and wilfully causes or permits any vote to be registered on a voting machine, unless the vote is cast by an elector whose name has been found and checked upon the books of registered voters and who has not previously voted, or knowingly or wilfully enters or permits anyone to enter a voting machine booth, unless the person is an elector whose name has been found or checked upon the books of registered voters and who has not previously voted or is an election officer or member or employee of the Department of Elections whose entrance into the voting machine booth is required by the provisions of this title,

shall be deemed to have knowingly and wilfully violated his official duty.

(b) Whoever, not being an election officer, does or causes to be done any of the acts, matters or things mentioned in subsection (a) of this section, shall be fined not more than \$200 or imprisoned not more than 2 years, or both.

Section 4. § 5123, Title 15, Delaware Code of 1953 is amended to read as follows:

**§ 5123. Removal or destruction of election supplies or equipment or voting machine**

(a) Whoever, during the general election—

(1) removes or destroys any of the supplies or other conveniences placed in the booths or delivered to the voter for the purpose of enabling him to prepare his ballot; or

(2) removes, tears down or defaces the cards printed for the instruction of the voters; or

(3) destroys or removes any booth, railing or other conveniences provided for such election; or

(4) tampers with, disarranges, defaces or impairs in any manner the use of or destroys any voting machine or the ballots on the face of a voting machine,

shall be imprisoned not less than six months nor more than one year.

(b) Whoever induces or attempts to induce any person to commit any of the acts described in subsection (a) of this section, whether or not any such acts are committed or attempted to be committed, shall be imprisoned not less than six months nor more than one year.

Section 5. This act shall become effective July 1, 1953.

Approved March 20, 1953.

## CHAPTER 19

INCLUDING CHUKAR PARTRIDGE IN GAME BIRD CLASSIFICATION

**AN ACT TO AMEND CHAPTER 7 TITLE 7 OF THE DELAWARE CODE OF 1953 RELATING TO REGULATIONS AND PROHIBITIONS CONCERNING GAME AND FISH; GAME BIRDS; BY INCLUDING CHUKAR PARTRIDGE IN THE GAME BIRD CLASSIFICATION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 702, Chapter 7, Title 7 of the Delaware Code of 1953 is amended to read as follows:

### § 702. Game birds

The following shall be considered game birds: the Anatidae, commonly known as geese, brant and river and sea ducks; the Rallidae, commonly known as rails, coots, mudhens and gallinules; the Limicolae, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, tattlers and curlews; the Gallinae, commonly known as wild turkeys, grouse, prairie chickens, pheasants, chukar partridges, partridges and quail; also the reed bird of the Icteridae and the dove.

Approved March 23, 1953.



## CHAPTER 20

## RELATING TO REGULATIONS AND PROHIBITIONS ON GAME

**AN ACT TO AMEND CHAPTER 7, TITLE 7, OF THE DELAWARE CODE OF 1953 RELATING TO REGULATIONS AND PROHIBITIONS CONCERNING GAME AND FISH; NUMBER OF GAME LAWFUL TO KILL; POSSESSION AFTER CLOSE OF SEASON.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 716, Title 7, of the Delaware Code of 1953, is amended to read as follows:

**§ 716. Number of game lawful to kill; possession after close of season**

No person shall take or kill, in any one day, more migratory birds or fowl than are permitted by federal laws and regulations, or more than eight (8) birds or fowl of any other species, and four (4) animals, or have such birds, fowl, or animals in possession for more than thirty days after the close of the season for killing the same, excepting when such birds or animals are had in possession alive for scientific or propagating purposes. The provisions of this section shall not apply to,

- (1) Animals habitually trapped for their pelts, protected by the provisions of Part 1 of this Title;
- (2) Snipe, plover and reed birds; and
- (3) Birds covered by the provisions of § 714 of this title;

Approved March 23, 1953.

## CHAPTER 21

CORRECTING ERROR IN TITLE 10, DELAWARE CODE OF 1953, BY  
PROVIDING FOR SPECIAL CONSTABLES

**AN ACT TO CORRECT AN ERROR IN TITLE 10, DELAWARE  
CODE OF 1953 RELATING TO "COURTS AND JUDICIAL  
PROCEDURE" BY PROVIDING FOR SPECIAL CON-  
STABLES.**

WHEREAS, Sections 1568, 1569, 1570 and 1572, Revised Code of Delaware of 1935 were omitted from the Delaware Code of 1953; through error, and,

WHEREAS, it was not the intention of the General Assembly that such sections be repealed; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Subchapter 1 of Chapter 27, Title 10, Delaware Code of 1953 is amended by adding at the end thereof the following new sections:

**§ 2713. Delaware State Hospital; special constable**

The Governor may, upon the application of the State Board of Trustees of the Delaware State Hospital at Farnhurst, appoint such persons connected with the hospital, as the trustees may designate, to act as Special Constables for the protection of the property under the control of the trustees and for the preservation of peace and good order in and around the premises of the Delaware State Hospital.

The Governor shall issue to every person so appointed a Commission for the term of five years, unless sooner revoked; and the person so appointed shall, before acting as such Constable, take and subscribe the oath or affirmation prescribed by Article XIV, of the Constitution, and shall cause his commission, with such affidavit endorsed thereon, to be duly recorded in the Recorder's office of the County wherein he resides. Every

such Special Constable so commissioned and qualified shall possess and exercise in this State all the authority and powers now conferred on policemen in the City of Wilmington.

The Governor may, at any time, revoke any commission given under this section at his pleasure, and upon the written application of the State Board of Trustees of the Delaware State Hospital at Farnhurst shall revoke such commission; such revocation to be effected by an order in duplicate signed by the Governor, one whereof shall be mailed to the Special Constable at his last known place of residence and the other filed in the Recorder's office where the commission is recorded and noted on the record of such Commission.

The compensation of every such Special Constable shall be wholly paid by the State Board of Trustees of the Delaware State Hospital at Farnhurst.

**§ 2714. St. Joseph's Industrial School; special constable**

The Governor may appoint a Special Constable for St. Joseph's Industrial School, at Clayton, Kent County, whose duties and powers shall be the same as those possessed by County Constables.

**§ 2715. Railroad companies; special constables**

The Governor may appoint such number of Special Constables for any railroad company of this State as such company may apply for. Such Constable shall have all the powers of a County Constable, but shall receive no compensation or fees except such as are paid by such railroad company. Such Constables shall not act as deputies of any sheriff or Constable and no sheriff or other officer shall appoint or authorize any person to act as his deputy in making arrests on the property of any railroad company except in cases of riot.

In all cases of arrest by such Special Constables for vagrancy or trespass on the property of a railroad company, the person so arrested, if proven guilty, may be committed to the County

jail by any Justice of the Peace for a term of not exceeding five days.

**§ 2716. Special constables for certain purposes**

The Governor may upon the application of any individual, firm or corporation engaged in carrying on any kind of business in this State, and having an office or place of business in this State, appoint such person, or persons, as the said individual, firm or corporation may recommend or designate to act as Special Constables for the protection of the property belonging to or under the control of such individual, firm or corporation and for the preservation of peace and good order in and about the premises occupied by such individual, firm or corporation.

The Governor shall issue to every person so appointed a commission and the person so appointed shall, before acting as such Special Constable, take and subscribe before any officer authorized by the laws of this State to administer oaths, the oath or affirmation prescribed by Article XIV of the Constitution.

Every such Special Constable shall have the powers of a County Constable, provided that such Special Constable shall have no power or authority to serve any writ or process in any civil action or proceeding.

The Commission of any such Special Constable may at any time be revoked by the Governor at his pleasure, or upon the written application of the individual, firm or corporation at whose instance such Special Constable was appointed.

The compensation of every such Special Constable shall be wholly paid by the individual, firm or corporation at whose instance he was appointed.

Every such Special Constable shall wear, when on duty, a metallic badge with the words "Special Constable", and the name of the person, firm or corporation, at whose instance he was appointed, plainly inscribed thereon.

Section 2. Every person who is duly commissioned under 1568, 1569, 1570 and 1572, Chapter 51, Revised Code of Delaware 1935, as Special Constable of this State be and is hereby recommissioned under this law with full powers as such Constable for the time set forth in his said commission.

Approved March 23, 1953.

## CHAPTER 22

### AUTHORIZING NEW CASTLE CLERK OF ORPHANS' COURT AND REGISTER IN CHANCERY TO PROCURE NEW PRESSES AND SEALS OF OFFICE

### AN ACT TO AUTHORIZE THE CLERK OF THE ORPHANS' COURT AND REGISTER IN CHANCERY IN AND FOR NEW CASTLE COUNTY TO PROCURE NEW PRESSES AND SEALS OF OFFICE.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The Clerk of the Orphans' Court and Register in Chancery in and for New Castle County is authorized to procure a new seal and press for each of his respective offices, to be made of steel or brass, of the same diameter as the present seals and engraved with the same devices respectively. When completed they shall be the seals respectively of the office of Clerk of the Orphans' Court and Register in Chancery in and for New Castle County.

Section 2. When the said seals shall be so procured as aforesaid, the Clerk of the Orphans' Court and Register in Chancery shall cause the present seals in his offices to be broken and destroyed in the presence of the high sheriff of said County.

Section 3. The Levy Court of New Castle County shall pay the necessary costs and expenses of procuring the said new presses and seals.

Approved March 23, 1953.

CHAPTER 23

AUTHORIZING NEW CASTLE COUNTY PROTHONOTARY TO PROCURE  
NEW PRESSES AND SEAL OF OFFICE

AN ACT TO AUTHORIZE THE PROTHONOTARY OF NEW  
CASTLE COUNTY TO PROCURE A NEW PRESS AND  
SEAL OF OFFICE.

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. The Prothonotary of New Castle County is authorized to procure for his office a new seal and press, to be made of steel or brass, of the same diameter as the present seal and engraved with the same device. When completed it shall be the seal of the office of Prothonotary of New Castle County.

Section 2. When the said seal shall be so procured as aforesaid the said Prothonotary shall cause the present seal of his office to be broken and destroyed in the presence of the high sheriff of said County.

Section 3. The Levy Court of New Castle County shall pay the necessary costs and expenses of procuring the said new press and seal.

Approved March 23, 1953.

## CHAPTER 24

## FIRE IN PUBLIC BUILDINGS

**AN ACT TO AMEND TITLE 11, DELAWARE CODE OF 1953;  
RELATING TO "CRIMES AND CRIMINAL PROCEDURE"  
BY MAKING IT A MISDEMEANOR FOR A PERSON TO  
CAUSE A FIRE IN A PUBLIC BUILDING, BOARDING  
HOUSE, ROOMING HOUSE OR HOTEL BY THE CARE-  
LESS USE OF A CIGARETTE, CIGAR OR PIPE OR  
OTHER INFLAMMABLE DEVICE.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Title 11 of Delaware Code of 1953 relating to  
"Crimes and Criminal Procedure" is amended by adding a new  
section § 522 as follows:

**§ 522. Causing a fire by careless use of cigarettes, cigars,  
pipes or other inflammable device**

Whoever shall carelessly cause a fire to occur in a public  
building, boarding house, rooming house or hotel by the careless  
use of a cigarette, cigar, pipe or other inflammable device shall  
be fined not less than ten dollars (\$10.00) and not more than  
one hundred dollars (\$100.00) or imprisoned not less than ten  
days or more than three months.

Section 2. Justices of the Peace shall have jurisdiction of  
this offense.

Approved March 30, 1953.



## CHAPTER 25

## NAMING STEIN HIGHWAY

**AN ACT TO NAME THE STATE HIGHWAY LEADING FROM  
SEAFORD TO RELIANCE.**

WHEREAS, S. J. Stein, resident of Seaford, Delaware, was instrumental in obtaining the private lands without charge to the State of Delaware for the use and benefit of the State for the purpose of building the state highway leading from Seaford to Reliance and designated as Route #20, it is fitting and proper that State Highway #20 be named "Stein Highway" in honor of Mr. S. J. Stein.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The state highway leading from Seaford to Reliance, designated as State Highway Route 20, shall be named and hereinafter known as the "Stein Highway".

Approved April 1, 1953.

## CHAPTER 26

### LICENSING DOG KENNELS

#### **AN ACT TO AMEND CHAPTER 17, TITLE 7 OF THE DELAWARE CODE OF 1953, RELATING TO THE LICENSING OF DOG KENNELS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1701 (a) of Title 7 of the Delaware Code of 1953 is amended by adding at the end of said section the following sentence:

"No kennel within the corporate limits of a town or city, outside the corporate limits of the City of Wilmington, shall be licensed in accordance with the provisions of this section unless the kennel has been approved by the authorities of the corporate town or city within which the kennel will be located and a certificate of approval issued by such authorities."

Approved April 9, 1953.

## CHAPTER 27

## KENT BOARD OF SOIL DISTRICT SUPERVISORS

**AN ACT AUTHORIZING THE LEVY COURT OF KENT COUNTY TO MAKE AVAILABLE TO THE BOARD OF SOIL DISTRICT SUPERVISORS OF THE SOIL CONSERVATION DISTRICT OF KENT COUNTY CERTAIN FUNDS FOR THE EMPLOYMENT OF A MANAGER OF OPERATIONS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The Levy Court of Kent County is authorized to make available for, and to pay to, the Board of Soil District Supervisors of the Soil Conservation District of Kent County the sum of Five Thousand Dollars (\$5,000.00) for the fiscal year beginning July 1, A. D. 1953 and ending on June 30, A. D. 1954, and a like sum of Five Thousand Dollars (\$5,000.00) for the fiscal year beginning July 1, A. D. 1954 and ending on June 30, A. D. 1955.

Section 2. The funds hereby authorized to be made available to the Board of Soil District Supervisors of the Soil Conservation District of Kent County shall be used, when made available, for the purpose of employing a manager of the drainage and other operations of the said District Supervisors of the Soil Conservation District of Kent County.

Approved April 9, 1953.

## CHAPTER 28

## APPROPRIATION

## DRAINAGE OF TAX DITCHES IN KENT COUNTY

**AN ACT APPROPRIATING CERTAIN MONIES TO THE  
STATE SOIL CONSERVATION COMMISSION FOR THE  
DRAINAGE OF TAX DITCHES IN KENT COUNTY.**

WHEREAS, there exists a necessity to clean out and drain certain tax ditches in Kent County, State of Delaware; and

WHEREAS, land owners, adjacent to and near said tax ditches, have agreed to contribute funds for said purpose; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is appropriated to the State Soil Conservation Commission the sum of Twelve Thousand Five Hundred Dollars (\$12,500.00) for each of the fiscal years beginning July 1, 1953 and ending June 30, 1954, and beginning July 1, 1954 and ending June 30, 1955, to be used and expended for the purpose of contributing to the costs of clearing banks, removing obstructions, straightening, cleaning out and draining the tax ditches of Kent County.

Section 2. For the purposes of this Act, the Levy Court of Kent County shall appropriate to the State Soil Conservation Commission the further sum of Twelve Thousand Five Hundred Dollars (\$12,500.00) for each of the fiscal years beginning July 1, 1953 and ending June 30, 1954, and beginning July 1, 1954 and ending June 30, 1955, to be used and expended for the purpose of contributing to the costs of clearing banks, removing obstructions, straightening, cleaning out and draining the tax ditches of Kent County.

Section 3. The money hereby appropriated shall be paid to the State Soil Conservation Commission by the State Treasurer and the Levy Court of Kent County from time to time upon certification to the State Treasurer and the Levy Court of Kent

County by the Board of Soil District Supervisors of the Soil Conservation District of Kent County that it has collected or received, from farmers and others benefiting from such clearing banks, removing obstructions, straightening, cleaning out and draining of said tax ditches, a specified sum of money to be used on said project. The State Treasurer, and the Levy Court of Kent County, shall each make payment to said State Soil Conservation Commission on the basis of Fifty Cents (\$.50) for every Dollar (\$1.00) or more so certified to the State Treasurer and the Levy Court of Kent County by the Board of Soil District Supervisors of the Soil Conservation District of Kent County, as having been by it collected or received from farmers and others benefiting from such clearing banks, removing obstructions, straightening, cleaning out or draining of said ditches in Kent County.

Section 4. The sums of money from time to time paid to the State Soil Conservation Commission shall be transferred by said Commission to the Board of Soil District Supervisors of the Soil Conservation District of Kent County, and shall be used and expended by said Board on such tax ditches for which contributions from farmers and others benefiting from such cleaning out and draining have been collected or received as shall be determined by the said Board of Soil District Supervisors.

Section 5. This Act shall be known as a Supplementary Appropriation Act and the monies hereby appropriated shall be paid out of the General Fund of the State Treasury, not otherwise appropriated.

Approved April 9, 1953.

## CHAPTER 29

PROVIDING FOR SALE OF PHEASANTS AND QUAIL AS FOOD

**AN ACT TO AMEND CHAPTER 7, TITLE 7 OF THE DELAWARE CODE OF 1953 RELATING TO REGULATIONS AND PROHIBITIONS CONCERNING GAME AND FISH; POSSESSION OF PROTECTED WILD LIFE; PROHIBITIONS; PROVISION FOR PERMITTING HOTELS, RESTAURANTS, CLUBS AND OTHER FOOD DISPENSERS TO POSSESS AND SELL PHEASANTS AND QUAIL AS FOOD.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 721 (b), Chapter 7, Title 7 of the Delaware Code of 1953 is amended to read as follows:

(b) No person shall have in possession any game fish during the closed season for said fish, whether the same shall have been taken within or without the State of Delaware, and no person shall at any time of the year barter, sell, offer for sale or buy any game birds, game animals, or game fish protected by the laws of this State, and killed or caught either lawfully or unlawfully within or without this State, except always the muskrat and the diamond back terrapin trade during the seasons when it is lawful to have said animals and their meat in possession, and trading at any and all times in muskrat skins and other skins and in terrapin of lawful size which have been lawfully taken; and further except always hotels, restaurants, clubs and other food dispensers which may offer pheasants and quail for food consumption, provided, however, that every such food dispenser having pheasants and quail in its possession, has an invoice covering the same, showing purchase thereof from a licensed game breeder within or without this State, said invoice to have the game breeder's license number on it. Any one person who has himself lawfully killed or trapped rabbit in the county of his residence, may himself sell said rabbit within such county, not exceeding the number of twenty (20) in any one open season.

Approved April 9, 1953.

## CHAPTER 30

## INSURANCE - RETALIATING TAXES

**AN ACT TO AMEND CHAPTER 27, TITLE 18 OF THE DELAWARE CODE OF 1953, RELATING TO TAXES AND FEES FOR INSURANCE COMPANIES, AGENTS AND BROKERS; RETALIATING TAXES, FEES AND REGULATIONS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 27, Title 18 of the Delaware Code of 1953 is amended by adding a new section to be styled § 2709, as follows:

**§ 2709. Retaliating taxes, fees and regulations**

Notwithstanding any other provision of Title 18 of this Code, when by the existing or future laws of any other state or foreign country any premium, income or other taxes, or any fees, fines, penalties, licenses, deposit requirements or other obligations, prohibitions or restrictions are imposed upon insurance companies incorporated under the laws of this State doing business, or that might seek to do business in such other state or country, or upon the agents of said insurance companies incorporated under the laws of this State, which in the aggregate are in excess of such taxes, fees, fines, penalties, licenses, deposit requirements or other obligations, prohibitions or restrictions directly imposed upon similar insurance companies of such other state or foreign country under the statutes of this state, so long as such laws continue in force, the same taxes, fees, fines, penalties, licenses, deposit requirements or other obligations, prohibitions and restrictions of whatever kind shall be imposed upon similar insurance companies of such other state or foreign country doing business in this state. Any tax, license or other obligation imposed by any city, county or other political subdivision of any other state or foreign country on insurance companies incorporated under the laws of this state or their agents shall be deemed to be imposed by such other state or foreign country within the meaning of this section.

Approved April 9, 1953.

## CHAPTER 31

## TITLE TO CEMETERY IN WILMINGTON

**AN ACT TO AUTHORIZE THE SECRETARY OF STATE TO CONVEY TITLE TO REAL ESTATE LOCATED AT 12TH AND MADISON STREETS IN THE CITY OF WILMINGTON TO "CATHEDRAL CEMETERY COMPANY OF WILMINGTON, DELAWARE".**

WHEREAS, Rebecca Gibbons and others, as described and set forth in a certain Indenture bearing date the 1st day of May, A. D. 1852, and recorded in the Office for the Recording of Deeds &c., in and for New Castle County, and State of Delaware, at Wilmington, in Deed Record K, Volume 6, page 508 &c., did by their said Indenture convey to the Right Reverend John N. Newmann, Roman Catholic Bishop of Philadelphia, certain real estate in the City of Wilmington, New Castle County, and State of Delaware, bounded in part by Twelfth, Jefferson and Madison Streets, and more particularly described in said Indenture, under and subject to such uses and trusts as are set forth in said Indenture; and

WHEREAS, George Jack and Georgiana Jack, his wife, by Indenture bearing date the 15th day of October, A. D. 1870, and recorded in the Office for the Recording of Deeds &c., in and for New Castle County, and State of Delaware, at Wilmington, in Deed Record E, Volume 9, Page 376 &c., did convey to the Right Reverend Thomas A. Becker, D. D., Bishop of Wilmington, other real estate now in the City of Wilmington, New Castle County, and State of Delaware, and adjacent to the lands described in the aforementioned Indenture of Rebecca Gibbons and others, and more particularly described in the said Indenture of said George Jack and Georgiana Jack, his wife, under and subject to the uses and trusts as set forth in said Indenture; and

WHEREAS, doubt has been expressed as to the succession of ownership and to the present ownership of the real estate described in the two aforementioned Indentures, and it has been suggested that the title to the aforementioned real estate might have escheated to the State of Delaware because of the provisions



of Chapter 275, Volume 11, Laws of Delaware, Revised Code of Delaware, 1935, §§ 2488, 2489, 2490 and 2491, as well as because of the provisions of §§ 112 and 113, Chapter 1, Title 27, Delaware Code of 1953; and

WHEREAS, the said real estate was used for charitable purposes and none other, viz.: as a burying ground for the use of Roman Catholics formerly of the Parish of Wilmington and later of the Diocese of Wilmington, and said real estate was continued in such use and no other until its use for interment of bodies ceased, and it has never been put to any use but the afore-described charitable use; and

WHEREAS, the use of said real estate as a burial ground has now terminated and the bodies therein interred have been or are being or will be reinterred in other cemetery grounds belonging to "Cathedral Cemetery Company of Wilmington, Delaware", a corporation organized and existing pursuant to an Act of the General Assembly, passed at Dover, March 10, 1881, the said Act being of record in the Office of the Secretary of the State of Delaware; and

WHEREAS, the said "Cathedral Cemetery Company of Wilmington, Delaware", is successor to and carries on such charitable uses and trusts relating to the burial of the dead previously exercised by the Roman Catholic Bishop of the Diocese of Wilmington; and

WHEREAS, the said "Cathedral Cemetery Company of Wilmington, Delaware", is desirous of perfecting its title in the aforescribed real estate, so that its title be perfected in order that the said corporation can convey good and clear title to said real estate free and clear of all uses and trusts and doubts, the proceeds thereof to be used in the carrying out of its corporate functions and purposes; and

WHEREAS, it may be doubtful that the Secretary of State can now convey proper title to the said corporation to said real estate as was allowed and provided by Section 5, Chapter 275, Volume 11, Laws of Delaware, Revised Code of Delaware, 1935, § 2492, NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

The Secretary of State of the State of Delaware be and he is hereby authorized and empowered to execute and deliver to the "Cathedral Cemetery Company of Wilmington, Delaware", a corporation of the State of Delaware, its successors and assigns, a complete and proper deed conveying unto the said "Cathedral Cemetery Company of Wilmington, Delaware", its successors and assigns, any and all right, title and interest in the lands described in the aforementioned Indentures which may have escheated, for any reason, to the State of Delaware, free and clear of any doubts in the title and free and clear of any uses and trusts which may have heretofore attached to said real estate.

Approved April 9, 1953.

## CHAPTER 32

## TITLE TO CEMETERY IN WILMINGTON

**AN ACT TO AUTHORIZE THE "CATHEDRAL CEMETERY COMPANY OF WILMINGTON, DELAWARE", TO CONVEY CERTAIN OF ITS REAL ESTATE FREE AND DISCHARGED OF TRUSTS.**

WHEREAS, Rebecca Gibbons and others, as described and set forth in a certain Indenture bearing date the 1st day of May, A. D. 1852, and recorded in the Office for the Recording of Deeds &c., in and for New Castle County, and State of Delaware, at Wilmington, in Deed Record K, Volume 6, page 508 &c., did by their said Indenture convey to the Right Reverend John N. Newmann, Roman Catholic Bishop of Philadelphia, certain real estate in the City of Wilmington, New Castle County, and State of Delaware, bounded in part by Twelfth, Jefferson and Madison Streets, and more particularly described in said Indenture, under and subject to such uses and trusts as are set forth in said Indenture; and

WHEREAS, George Jack and Georgiana Jack, his wife, by Indenture bearing date the 15th day of October, A. D. 1870, and recorded in the Office for the Recording of Deeds &c., in and for New Castle County, and State of Delaware, at Wilmington, in Deed Record E, Volume 9, Page 376 &c., did convey to the Right Reverend Thomas A. Becker, D. D., Bishop of Wilmington, other real estate now in the City of Wilmington, New Castle County, and State of Delaware, and adjacent to the lands described in the aforementioned Indenture of Rebecca Gibbons and others, and more particularly described in the said Indenture of said George Jack and Georgiana Jack, his wife, under and subject to the uses and trusts as set forth in said Indenture; and

WHEREAS, all right, title and interest to the real estate described in the aforementioned Indentures have, by mesne conveyances, been vested in "Cathedral Cemetery Company of Wilmington, Delaware"; a corporation organized and existing pursuant to an Act of the General Assembly, passed at Dover, March 10, 1881, the said Act being of record in the Office of the Secretary of State of the State of Delaware; and

WHEREAS, the said cemetery at Twelfth and Madison Streets in Wilmington has long been neglected and no bodies have been buried therein for many years last passed, and no funds are presently available to keep and maintain the said cemetery property; and

WHEREAS, the said "Cathedral Cemetery Company of Wilmington, Delaware", desires to convey the said cemetery property since said cemetery property is relatively small and cannot be enlarged by the acquisition of property located adjacent to it, and to use the proceeds resulting from the conveyance for the general purposes and objects of the "Cathedral Cemetery Company of Wilmington, Delaware"; and

WHEREAS, it is the intent and purpose of said "Cathedral Cemetery Company of Wilmington, Delaware", with the consent and approval, express or implied, of the relatives of the deceased persons buried in said cemetery property to carefully disinter the bodies of the deceased persons buried in said cemetery property and reinter said bodies in other and well cared for cemetery properties of "Cathedral Cemetery Company of Wilmington, Delaware", Lancaster Avenue at North Woodlawn, NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

"Cathedral Cemetery Company of Wilmington, Delaware", a corporation of the State of Delaware, be and it is hereby authorized and empowered to sell, transfer and convey either at public or private sale, on such terms as it may deem expedient, and free and clear from any and all uses and trusts as may be recited in the aforementioned Indentures of Rebecca Gibbons and others, and George Jack and Georgiana Jack, his wife, and from any and all other uses or trusts which may have attached to the real estate described in said Indentures, and to convey the said real estate in fee simple to the purchaser or purchasers, by good and sufficient deed or deeds, free from any and all uses and trusts, and without liability on the part of the purchaser or purchasers for the application, non-application or mis-application of the purchase money; provided that the net proceeds aris-

ing from the sale or sales of the real estate above described and less any and all costs necessary to the disinterment and reinterment of the bodies in said cemetery property shall be held by "Cathedral Cemetery Company of Wilmington, Delaware" and used in the carrying out of its corporate functions and purposes.

Approved April 9, 1953.

## CHAPTER 33

## TITLE TO CEMETERY IN WILMINGTON

**AN ACT AUTHORIZING "CATHEDRAL CEMETERY COMPANY OF WILMINGTON, DELAWARE", TO DISINTER AND REMOVE FROM THE OLD AND LONG UNUSED CEMETERY LOCATED AT TWELFTH AND MADISON STREETS IN WILMINGTON THE BODIES PRESENTLY BURIED THEREIN AND TO REINTER SAID BODIES IN OTHER CEMETERY PROPERTY OF "CATHEDRAL CEMETERY COMPANY OF WILMINGTON, DELAWARE".**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. "Cathedral Cemetery Company of Wilmington, Delaware", a corporation organized and existing pursuant to an Act of the General Assembly, passed at Dover, March 10, 1881, the said Act being of record in the Office of the Secretary of State of Delaware, be and it is hereby authorized and fully empowered to carefully and properly disinter and remove all of the bodies presently buried in the cemetery located at Twelfth and Madison Streets in the City of Wilmington, and to reinter said bodies in other cemetery property of "Cathedral Cemetery Company of Wilmington, Delaware".

Section 2. Before removing any of the said bodies from said cemetery as aforesaid "Cathedral Cemetery Company of Wilmington, Delaware", shall first make reasonable effort to obtain the consent in writing of relatives of said deceased persons whose bodies are buried in said cemetery, and which bodies are proposed to be removed; and if said "Cathedral Cemetery Company of Wilmington, Delaware" is unable to find such relatives and procure the express consent in writing to the removal of said bodies, then said "Cathedral Cemetery Company of Wilmington, Delaware" shall advertise in at least one newspaper of general circulation in New Castle County for three successive weeks that said "Cathedral Cemetery Company of Wilmington, Delaware" proposes to remove said bodies in accordance with this Act; and if after such advertising said "Cathedral Cemetery Company of Wilmington, Delaware" is unable to find and

obtain the written consent to the removal of the bodies, and no objection is made to removal by any child, grandchild, great grandchild, or other lineal descendant, then and in such event the said "Cathedral Cemetery Company of Wilmington, Delaware" shall be presumed to have secured the implied consent of any and all such relatives and shall thereupon proceed to carry out the purposes of this Act.

Section 3. The provisions of this Act shall be final and exclusive authority and shall be in lieu of any individual permit or permits or writs required from any agency of the State of Delaware, or of and from any agency of any municipality located therein, or of any agency of any other geographical subdivision of the State of Delaware.

Section 4. All Acts or parts of Acts inconsistent with the provisions of this Act be and the same are for the purpose of effectuating the objectives of this Act hereby repealed to the extent and only to the extent of such inconsistency.

Approved April 9, 1953.

**CHAPTER 34**

**REDUCING THE NUMBER OF CLERKS IN OFFICE OF CLERK OF  
PEACE FOR NEW CASTLE COUNTY**

**AN ACT TO AMEND CHAPTER 94, TITLE 9, DELAWARE  
CODE OF 1953, RELATING TO CLERKS OF THE PEACE;  
DEPUTIES AND CLERK.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 9403, Chapter 94, Title 9, Delaware Code of 1953 is amended by striking out in line one of paragraph (1) the word "four" and substituting therefor the word "two."

Approved April 9, 1953.



## CHAPTER 35

PROHIBITING USE OF PROPERTY WHICH EMITS FOUL ODORS  
NEAR GOVERNOR BACON HEALTH CENTER

**AN ACT TO AMEND TITLE 16, DELAWARE CODE OF 1953 ENTITLED "HEALTH AND SAFETY" BY PROHIBITING THE ERECTION OF ANY STRUCTURE OR THE USE OF ANY STRUCTURE OR PREMISES FOR ANY PURPOSE WHICH WILL OR MIGHT EMIT FOUL OR OFFENSIVE ODORS WITHIN A RADIUS OF THREE MILES OF THE GOVERNOR BACON HEALTH CENTER; EXCEPTIONS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Subchapter 1, Chapter 53, Title 16, Delaware Code of 1953, is amended by adding thereto the following new section:

**§ 5311. Restriction on offensive use of property within three miles**

(a) No person shall erect or cause to be erected any structure or use or cause to be used any structure, or premises for any purpose which will or might emit foul or offensive odors, gases, effluence or stenches within a radius of three miles of the Governor Bacon Health Center. However, nothing in this section shall prohibit the raising of poultry, or live stock and the processing of the same, or the processing of farm produce.

(b) Whoever violates the provisions of this section shall be guilty of maintaining a nuisance and shall be enjoined as hereinafter provided.

(c) Whenever such nuisance exists the Attorney General of the State, or any person who is a citizen of the county, or has an office therein, may bring an action in equity in the name of the State of Delaware, upon the relation of such Attorney General, or person, to abate such nuisance and to perpetually enjoin the person maintaining the same from further maintenance thereof.

Approved April 9, 1953.

## CHAPTER 36

## PROVIDING FOR INCOME TAX REFUND FUND

**AN ACT TO AMEND TITLE 30, DELAWARE CODE OF 1953,  
ENTITLED "STATE TAXES" BY PROVIDING FOR A  
REPAYMENT FUND FOR INCOME TAXES.**

WHEREAS, Section 166 of the Revised Code of Delaware of 1935 provided that the State Tax Department may retain certain funds in a repayment fund in order to pay income tax refunds,

AND, WHEREAS, the said provision does not appear in the Delaware Code of 1953,

AND, WHEREAS, it was not the intention of the General Assembly to abolish such fund, NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1183, Title 30, Delaware Code of 1953 is amended by adding thereto a subparagraph (e) as follows:

(e) The Tax Department shall retain out of the revenue collected by it a sum sufficient to provide at all times a fund of \$20,000 out of which it shall pay any refunds provided for in this chapter. The fund shall be deposited in the financial institution which is the legal depository of State monies to the credit of the State Tax Department and shall be disbursable on order of the Tax Commissioner.

Section 2. This act shall be effective as of February 12, 1953.

Approved April 20, 1953.

## CHAPTER 37

### APPROPRIATION

#### VACCINATION AGAINST BANG'S DISEASE

#### **AN ACT MAKING AN APPROPRIATION TO THE STATE BOARD OF AGRICULTURE FOR THE VACCINATION OF CALVES AND TESTING OF CATTLE FOR BANG'S DISEASE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is appropriated to the State Board of Agriculture the sum of Seventeen Thousand Dollars (\$17,000.00) for the vaccination of calves and the testing of cattle for Bang's Disease in accordance with the authority vested in said Board under § 7323, Title 3 of the Delaware Code of 1953, of which the sum of Eight Thousand Five Hundred Dollars (\$8,500.00) shall be available for the fiscal year beginning July 1, 1953, and the sum of Eight Thousand Five Hundred Dollars (\$8,500.00) shall be available for the fiscal year beginning July 1, 1954. Such sums shall be paid by the State Treasurer upon warrants signed by the proper officers of the State Board of Agriculture.

Section 2. This Act shall be known as a Supplementary Appropriation Act, and the funds hereby appropriated shall be paid out of any monies in the General Fund of the State Treasury, not otherwise appropriated.

Approved April 20, 1953.

## CHAPTER 38

AUTHORIZING EMPLOYMENT OF AN ADDITIONAL DEPUTY AND  
CLERKS IN OFFICE OF PROTHONOTARY OF NEW CASTLE COUNTY

**AN ACT AMENDING CHAPTER 23, TITLE 10, DELAWARE  
CODE OF 1953, RELATING TO THE NUMBER OF DEP-  
UTIES AND CLERKS THE PROTHONOTARY OF NEW  
CASTLE COUNTY MAY EMPLOY.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 2302, Title 10, Delaware Code of 1953 is amended by striking out all of paragraph (1) thereof and inserting in lieu thereof a new paragraph to read as follows:

(1) New Castle County: two (2) chief deputies, one (1) of whom shall be qualified to and shall perform the duties of bookkeeper-cashier, Three Thousand Six Hundred Dollars (\$3,600.00); one (1) deputy, Three Thousand Two Hundred Dollars (\$3,200.00); twelve (12) clerks, Two Thousand Eight Hundred Dollars (\$2,800.00); one (1) caretaker, One Thousand Eight Hundred Dollars (\$1,800.00).

Approved April 20, 1953.

## CHAPTER 39

## DEFICIENCY APPROPRIATION

## DEPARTMENT OF WELFARE

**AN ACT TO APPROPRIATE FUNDS TO SPECIFIED ACCOUNTS OF THE DEPARTMENT OF WELFARE FOR THE CURRENT FISCAL YEAR.**

WHEREAS, the Department of Welfare does not have sufficient funds in certain of its accounts to enable it to carry out its legal duties and obligations during the fiscal year ending June 30, 1953; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of Forty-Eight Thousand, One Hundred Dollars (\$48,100.00) is appropriated in the following amounts to the following accounts of the Department of Welfare:

\$28,500.00 — Old Age Assistance
15,000.00 — Child Welfare Services (Direct Care)
2,300.00 — Salaries
1,600.00 — Office Expense
700.00 — Medical Grant — Aid to Dependent Children

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\$48,100.00

Section 2. The State Treasurer is directed to pay all or any part of such sum upon warrants approved by the proper officials of the Department of Welfare.

Section 3. Any funds herein appropriated, not used for the designated accounts by June 30, 1953, shall revert to the General Fund.

Section 4. This Bill is a deficiency and a Supplementary Appropriation Bill and the funds appropriated shall be from the General Fund, not otherwise appropriated.

Approved April 23, 1953.

## CHAPTER 40

## ABUSE AND NEGLECT OF FLAG

**AN ACT TO AMEND CHAPTER 3, TITLE 11, DELAWARE CODE OF 1953, RELATING TO FLAGS OF THE UNITED STATES OF AMERICA BY PROHIBITING THE USE OF THE FLAG FOR CERTAIN PURPOSES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 532, Title 11, Delaware Code of 1953, is amended by adding a new paragraph between the third and fourth paragraphs of said section, as follows:

"Whoever shall display publicly in any manner any flag, standard, color or ensign of the United States of America for the purpose of attracting attention to any commercial business and shall cause or permit the said flag, standard, color or ensign to be abused and neglected in such a manner that the said flag shall deteriorate or become faded or torn; or"

Approved April 28, 1953.

## CHAPTER 41

## CONCERNING INSURANCE RISKS IN FOREIGN COUNTRIES

**AN ACT TO AMEND TITLE 18, DELAWARE CODE OF 1953, ENTITLED "INSURANCE" BY CHANGING PARAGRAPH (12) OF § 706 RELATING TO THE INVESTMENT OF FUNDS BY DOMESTIC INSURANCE COMPANIES DOING BUSINESS IN A FOREIGN COUNTRY AND BY CHANGING § 904 RELATING TO THE RESERVES OF LIFE INSURANCE COMPANIES DOING BUSINESS ONLY IN FOREIGN COUNTRIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 706, Title 18, Delaware Code of 1953 is amended by striking out all of paragraph (12) thereof and substituting the following:

(12) A company doing business in a foreign country may invest the funds required to meet its obligations in such country and in conformity to the laws thereof in the same kinds of securities in such foreign country that such company is allowed by law to invest in the United States; and if such company is not doing business in any State, Territory or District of the United States it may invest its funds as allowed by the laws of any jurisdiction where it does business; provided, however, that negotiation and issuance of insurance on risks situated outside every such State, Territory and District, and changes in, communications concerning, and collection of premiums on, insurance so issued, shall not be deemed hereunder to be doing business in any such State, Territory or District.

Section 2. § 904, Title 18, Delaware Code of 1953 is amended by striking out all of said section and substituting the following:

**§ 904. Reserves for companies doing business only in foreign countries**

A company doing business in foreign countries and not doing business in any State, Territory or District of the United States may calculate its reserves on insurance written in each foreign jurisdiction in accordance with the reserve standards required by such jurisdiction; provided, however, that negotiation and issuance of insurance on risks situated outside every such State, Territory and District, and changes in, communications concerning, and collection of premiums on, insurance so issued, shall not be deemed hereunder to be doing business in any such State, Territory or District.

Approved April 28, 1953.



CHAPTER 42  
APPROPRIATION  
SUPERIOR COURT

**AN ACT TO APPROPRIATE FUNDS TO THE SUPERIOR  
COURT OF THE STATE OF DELAWARE FOR THE  
PURPOSE OF DEFRAYING EXPENSES OF THE SAID  
COURT FOR THE FISCAL YEAR ENDING JULY 1, 1953.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. The sum of eleven thousand dollars (\$11,000.00) is appropriated to the Superior Court of the State of Delaware for the sole purpose of defraying expenses of the said Court incurred and to be incurred during the present fiscal year ending July 1, 1953.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved April 28, 1953.

## CHAPTER 43

## AUTHORIZING SINKING OF NEW WELL AT FARNHURST

**AN ACT AUTHORIZING THE STATE BOARD OF TRUSTEES OF THE DELAWARE STATE HOSPITAL TO EXPEND MONEY FROM THE SPECIAL EMERGENCY FUND OF THE DELAWARE STATE HOSPITAL FOR A NEW WELL AND PUMP HOUSE.**

WHEREAS, it has been found that the present supply of water from the existing wells is insufficient for the requirements of the hospital population; and

WHEREAS, two of the present pumps have become extremely deficient, and

WHEREAS, the present supply of water is critical and needs immediate attention, NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Notwithstanding the prohibition contained in sections 5111 and 5112, Chapter 51, Title 16, Delaware Code of 1953, the State Board of Trustees of the Delaware State Hospital is hereby authorized to expend a sum not to exceed \$25,000 out of the "Special Emergency Fund of the Delaware State Hospital at Farnhurst" for the purpose of sinking a new well and installing the necessary pumping equipment and constructing the necessary pump house.

Section 2. Installation of the well pumping equipment and pump house herein authorized shall be under the direction and control of the State Board of Trustees of the Delaware State Hospital at Farnhurst.

Approved April 28, 1953.

## CHAPTER 44

## DISPOSITION OF OUTMODED TAX DEPARTMENT RECORDS

**AN ACT TO PROVIDE FOR THE DISPOSITION OF PROPERTY AND RECORDS OF THE STATE TAX DEPARTMENT WHICH HAVE LOST ANY FURTHER USEFUL VALUE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The State Tax Commissioner is authorized with the consent of the State Tax Board and the Public Archives Commission to destroy by burning in the presence of two witnesses who shall certify to the State Tax Board of such destruction, all income tax returns and related correspondence and forms, exclusive of all accounting and cash accountability records, for the income year 1946 and all preceding years which may in his discretion be destroyed without impairing the list of taxables and delinquent taxables recorded or to be recorded by the State Tax Department.

Approved April 28, 1953.

## CHAPTER 45

## APPROPRIATION

DR. JOHN W. SPIES

**AN ACT APPROPRIATING CERTAIN MONEYS TO DR. JOHN W. SPIES FOR EXPENSES INCURRED WHILE EMPLOYED BY THE STATE BOARD OF HEALTH.**

WHEREAS, Dr. John W. Spies was employed by the Cancer Control Division of the State Board of Health during the months of February, March, April, May and June of 1949, doing special work in the Cancer and Communicable Disease Division thereof; and

WHEREAS, certain necessary expenses in the sum of Four Hundred Fifty Dollars (\$450.00) were incurred by the said Dr. John W. Spies in connection with his employment as aforesaid; and

WHEREAS, the said Dr. John W. Spies was not reimbursed his said expenses by the said State Board of Health; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The State Treasurer is directed to pay to Dr. John W. Spies, within thirty days, the sum of Four Hundred Fifty Dollars (\$450.00) in payment of the expenses incurred by him on account of his services rendered for the Cancer Control Division of the State Board of Health for the months of February, March, April, May and June of 1949.

Section 2. That this Bill shall be known as a Supplementary Appropriation Bill and the money hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved May 6, 1953.

## CHAPTER 46

RELATING TO PROFESSIONAL ENGINEERS AND LAND SURVEYORS

### AN ACT TO AMEND CHAPTER 27, TITLE 24, DELAWARE CODE OF 1953 RELATING TO PROFESSIONAL ENGINEERS AND LAND SURVEYORS; RECEIPTS AND DISBURSEMENTS.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2707, Chapter 27, Title 24, Delaware Code of 1953 is amended by striking out the second and third paragraphs thereof and inserting in lieu thereof new paragraphs reading as follows:

All money or income received by the Board from taxes, fees and/or operations, and all other sources whatsoever, directly or indirectly, shall be paid to the State Treasurer currently and shall be credited to the General Fund.

All disbursements made by the Board for salaries, expenses or other authorized expenditures shall be paid by the State Treasurer out of funds appropriated by the General Assembly for such purposes on vouchers issued by the proper officer of the Board.

Section 2. § 2707, Chapter 27, Title 24, Delaware Code of 1953 is further amended by striking out the sixth paragraph thereof.

Approved May 6, 1953.

## CHAPTER 47

## APPROPRIATION

## ADJUTANT GENERAL FOR COMPLETION OF ARMORIES

**AN ACT APPROPRIATING CERTAIN MONIES TO THE  
ADJUTANT GENERAL OF THE STATE OF DELAWARE  
FOR USE IN COMPLETION OF ARMORIES AT DAGS-  
BORO AND SEAFORD NOW UNDER CONSTRUCTION.**

WHEREAS, armories in Dagsboro and Seaford are now under construction pursuant to a cost sharing grant of the United States Government; and

WHEREAS, under the policy of the United States Government making grants to states, it is required by the Federal Government that the states first spend the money before the Federal Government will reimburse such a state for the money so expended; and

WHEREAS, the Adjutant General of the State of Delaware does not currently have available sufficient funds to pay the contractors constructing said armories as the work progresses; and

WHEREAS, it is necessary for the Adjutant General of the State of Delaware to temporarily obtain money in order to keep payments current so that the United States Government may reimburse the State of Delaware for such expenditures; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is appropriated to the Adjutant General of the State of Delaware the sum of Thirty-Four Thousand Four Hundred and Forty-Five Dollars and Seventy-Four Cents (\$34,445.74) to be available for the period from the date of the approval of this act, through the current biennium ending on June 30, A. D., 1953. The monies hereby appropriated are to be used by the Adjutant General of the State of Delaware for the

completion of armory construction at Dagsboro and Seaford, currently in progress under a cost sharing grant from the United States Government.

Section 2. When funds become available in the hands of the Adjutant General of the State of Delaware, through the reimbursing program by the United States Government, in accordance with the cost sharing grant aforesaid, the sum hereby appropriated shall revert to the General Fund of the State Treasury. In any event, however, the said sum hereby appropriated shall revert to the General Fund of the State Treasury no later than December 30, 1953.

Section 3. This act shall be known as a Supplementary Appropriation Act, and the monies hereby appropriated shall be paid out of the General Fund of the State Treasury, not otherwise appropriated.

Approved May 6, 1953.

## CHAPTER 48

## MOTOR VEHICLES—PROVIDING FOR LENGTH OF BUSES

**AN ACT TO AMEND TITLE 21, DELAWARE CODE OF 1953  
IN RESPECT TO MOTOR VEHICLES BY PROVIDING  
FOR THE LENGTH OF BUSES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 4502 (c) is amended to read as follows:

(c) No vehicle except buses shall exceed a length of 35 feet and no tractor-semitrailer shall exceed a length of 50 feet and no other combination of vehicles coupled together shall exceed 60 feet. Piling and pole trailers shall not exceed a length of 60 feet. Buses shall not exceed a length of 42 feet.

Approved May 6, 1953.



## CHAPTER 49

## DEFICIENCY APPROPRIATION

## MILFORD SCHOOL BUILDING COMMISSION

**AN ACT TO APPROPRIATE FUNDS TO THE MILFORD  
SCHOOL BUILDING COMMISSION TO MEET DEFICIENCIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of five thousand, six hundred fifty-three dollars and thirty-three cents (\$5,653.33) is appropriated to the Milford School Building Commission to cover the following deficiencies for which funds are inadequate:

Fred Medart .....	\$4,498.91
Morris G. Whiteside, II,	
architectural fees .....	1,154.42

Section 2. This shall be known as a supplementary deficiency appropriation bill and the funds hereby appropriated are to be paid out of the general fund of the State Treasury from funds not otherwise appropriated.

Approved May 6, 1953.

## CHAPTER 50

## DEFICIENCY APPROPRIATION

## INDUSTRIAL ACCIDENT BOARD

**AN ACT MAKING A DEFICIENCY APPROPRIATION TO THE  
INDUSTRIAL ACCIDENT BOARD FOR THE FISCAL  
YEAR ENDING JUNE 30, 1953.**

WHEREAS, there has been a steadily increasing number of new industrial plants, merchandise marts and large department stores located in the state; and

WHEREAS, the peak employment period has caused a tremendous increase in the number of accident reports to be prepared by the staff of the Industrial Accident Board; and

WHEREAS, there are a greater number of cases being referred to the Board for hearing, adding much more detail work to the already heavy demand the Board is making of its small staff; and

WHEREAS, the Board has a reputation of long standing for the insistence that all insurance carriers and self-insurers qualified to write workmen's compensation insurance in the State of Delaware meet their obligations promptly, thus requiring the Board to have a competent staff at all times and one which must be willing to cooperate with the large number of adjusters, attorneys, and doctors, who at various times call on the Industrial Accident Board for assistance; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of nineteen hundred dollars (\$1900.00) is appropriated to the Industrial Accident Board to meet an anticipated deficiency for the fiscal year ending June 30, 1953.

Section 2. The sum of money herein appropriated may be allocated to any of the various code allocations applicable to the regular budget of the Industrial Accident Board and shall not be confined to any particular one thereof.

Section 3. This is a supplementary and deficiency appropriation and the funds hereby appropriated are to be paid out of the general fund of the State Treasury not otherwise appropriated. Any of the funds appropriated herein that are not expended during the fiscal year June 30, 1953 will revert to the general fund of the State.

Approved May 7, 1953.

## CHAPTER 51

PROVIDING METHOD OF CONVEYANCE OF CERTAIN ESCHEATED  
REAL PROPERTY TO AUTHORIZED CORPORATIONS**AN ACT TO AMEND TITLE 12, DELAWARE CODE OF 1953,  
ENTITLED "DECEDENTS' ESTATES, ETC." BY PRO-  
VIDING A METHOD FOR THE CONVEYANCE OF CER-  
TAIN ESCHEATED REAL PROPERTY TO QUALIFIED  
AND AUTHORIZED CORPORATIONS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 1101, Title 12, Delaware Code of 1953, is amended by striking out all of said section and substituting the following:

**§ 1101. Escheat of estates; conveyance of certain escheated  
real property by the Secretary of State**

(a) If any person, being at the time of his death seized or possessed of any real or personal estate within this State, dies intestate, without heirs or any known kindred who can inherit and hold the intestate's estate, such estate is escheat to the State, subject to all legal demands on the same.

(b) The Secretary of State shall convey to a properly organized corporation of this State whatever title the State may have in any real property which was formerly held by or for a religious body and which has or may have escheated provided that: (1) he is satisfied that the grantee corporation is the proper successor to the body previously holding equitable or legal title to the property; (2) a certified copy of the recorded certificate of incorporation of the grantee corporation is provided; (3) prior notice of any such proposed conveyance is given by registered mail to the record title holders where known; and (4) notice of such proposed conveyance is published in a newspaper of general circulation in the county where the property is situated each week for three weeks prior to the execution of the conveyance. All expenses of such conveyances and notices shall be paid by the grantee corporation.

Approved May 7, 1953.

## CHAPTER 52

## EDUCATION AND TRAINING OF VETERANS' CHILDREN

**AN ACT APPROPRIATING MONEYS FOR EDUCATION AND TRAINING OF CHILDREN OF VETERANS OF WORLD WAR I, WORLD WAR II AND KOREAN CONFLICT WHO DIED WHILE IN THE SERVICE OF THE ARMY, NAVY, MARINE CORPS, AIR FORCES OR COAST GUARD OF THE UNITED STATES OR WHO DIED FROM DISEASE, WOUNDS OR DISABILITIES RESULTING FROM SUCH SERVICE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of Six Thousand Dollars (\$6,000.00) is appropriated for the use and benefit of the children, as hereinafter defined, of members of the personnel, male and female, who have served, or are now serving, or who may hereafter serve in any branch of the Army, Navy, Marine Corps, Air Forces or Coast Guard of the United States of America and who were killed, or who may hereafter be killed, while in such service, and/or who may have died or may hereafter die from disease, wounds or disabilities arising, and/or resulting from such service, either in World War I, World War II or Korean Conflict, for the biennium beginning July 1, 1953 and ending June 30, 1955. Three Thousand Dollars (\$3,000.00) of said sum is appropriated for the fiscal year beginning July 1, 1953 and Three Thousand Dollars (\$3,000.00) of said sum is appropriated for the fiscal year beginning July 1, 1954.

Section 2. The word "children" referred to in Section 1 of this Act is further defined as those children who are not under sixteen (16) years of age or over twenty-one (21) years of age and who have been domiciled in the State of Delaware for twelve (12) or more consecutive months prior to the application for assistance under this Act, and who are attending or may hereafter attend any educational or training institution in the State of Delaware, provided, however, that if the type of training or courses cannot be secured in any institution or agency within the State of Delaware, the Director of the State Board for Vocational

Education may use these funds for such training in any institution outside of the bounds of the State, and provided, further, that any child having entered upon a course of training or education, under the provisions of this Act, consisting of a course of not more than four (4) years, and arriving at the age of twenty-one (21) years before the completion of said course, may continue in said course and receive all the benefits of the provisions of this Act until said course is completed.

Section 3. The money appropriated by this Act shall be used for the purpose of providing and paying any tuition, matriculation fees, board and room rent, books and school supplies, and other incidental items in connection with the education and/or training of such children in a sum not to exceed Five Hundred Dollars (\$500.00) for any one child for any one year.

Section 4. That the amounts that may be due or become due to any such educational or training institution, not in excess of the amount specified in Section 3 hereof, shall be payable to said institution as herein mentioned from the fund hereby created on vouchers approved by the Director of the State Board for Vocational Education. It shall be the duty of said Director to ascertain and pass on the eligibility of the children who may make application for the benefits provided in this Act; to satisfy himself of the attendance of such children at any such institution as is herein specified, and of the accuracy of the charge or charges submitted to said Director by the authorities of any such institution, on account of the attendance thereat of any such children as is herein provided for; provided that the necessary expenses incidental to the administration of the provisions of this Act shall be paid by the State Treasurer upon proper vouchers signed by the State Auditor, but said expenses shall not exceed the sum of Five Hundred Dollars (\$500.00) in any one year, and further provided that said incidental expenses so appropriated shall be in addition to the moneys appropriated in Section 1 of this Act.

Section 5. This Act shall be known as a Supplementary Appropriation Act and the moneys hereby appropriated shall be paid out of the General Fund of the State Treasury, not otherwise appropriated.

Approved May 7, 1953.

CHAPTER 53  
APPROPRIATION  
FOR POLICE PENSION FUND

**AN ACT APPROPRIATING THE SUM OF ONE HUNDRED FORTY-THREE THOUSAND FIVE HUNDRED FORTY-NINE DOLLARS AND SIXTY-SIX CENTS (\$143,549.66) TO THE STATE HIGHWAY DEPARTMENT FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF LAW RELATING TO STATE POLICE RETIREMENT FUND.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is appropriated to the State Highway Department the sum of One Hundred Forty-three Thousand Five Hundred Forty-nine Dollars and Sixty-six Cents (\$143,549.66) for the purpose of carrying out the provisions of Section 8322, Title 11, Delaware Code of 1953, relating to the State Police Retirement Fund.

Section 2. The money hereby appropriated shall be available during the biennium ending on the thirtieth day of June A. D. 1955.

Section 3. This act shall be known as a Supplementary Appropriation Act, and the moneys hereby appropriated shall be paid out of the General Fund of the State Treasury, not otherwise appropriated.

Approved May 7, 1953.

## CHAPTER 54

## RELATING TO SANITARY SEWER DISTRICTS

**AN ACT AMENDING CHAPTER 23, TITLE 9, DELAWARE CODE OF 1953, ENTITLED "SANITARY SEWER DISTRICTS" AUTHORIZING THE LEVY COURT TO ORDER SEWER CONNECTIONS IN CERTAIN CASES; ENFORCEMENT.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 23, Title 9, Delaware Code of 1953 is amended by adding at the end thereof the following new section:

**§ 2321. Order to connect to sanitary sewer; enforcement**

(a) The Levy Court may, where it deems it necessary to the preservation of public health, order the owner of any lot or parcel of land within a sanitary district which abuts upon a street or other public way containing a sanitary sewer, which is part of or which is served or may be served by the county sewerage system and upon which lot or parcel of land a building shall have been constructed for residential, commercial or industrial use, to connect such building with such sanitary sewer.

(b) If any owner shall fail to comply within sixty (60) days with such order to connect with a sanitary sewer, the Levy Court shall forthwith institute action in the Court of Chancery of the State of Delaware to compel compliance with such order.

Approved May 7, 1953.



CHAPTER 55

RELATING TO POWER OF NEW CASTLE COUNTY LEVY COURT TO  
ESTABLISH AND FIX EMPLOYEES SALARIES

**AN ACT TO AMEND CHAPTER 15, TITLE 9, DELAWARE  
CODE OF 1953, ENTITLED "LEVY COURT OF NEW  
CASTLE COUNTY" RELATING TO THE POWER OF THE  
LEVY COURT TO ESTABLISH AND FIX SALARIES OF  
CERTAIN EMPLOYEES OF NEW CASTLE COUNTY.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 1521 (a), Chapter 15, Title 9, Delaware Code  
of 1953, is amended by adding at the end thereof the following  
sentence:

"The Levy Court of New Castle County shall establish and  
fix the salaries of all employees except the elected office holders  
employed in the several county offices in New Castle County."

Approved May 7, 1953.

## CHAPTER 56

AUTHORIZING KENT COUNTY PROTHONOTARY TO PROCURE  
A NEW SEAL**AN ACT TO AUTHORIZE THE PROTHONOTARY OF KENT  
COUNTY TO PROCURE A NEW PRESS AND SEAL OF  
OFFICE.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. The Prothonotary of Kent County is authorized to procure for his office a new seal and press, to be made of steel or brass, of the same diameter as the present seal and engraved with the same device. When completed it shall be the seal of the office of Prothonotary of Kent County.

Section 2. When the said seal shall be so procured as aforesaid the said Prothonotary shall cause the present seal of his office to be broken and destroyed in the presence of the sheriff of said County.

Section 3. The Levy Court of Kent County shall pay the necessary costs and expenses of procuring the said new press and seal.

Approved May 7, 1953.

CHAPTER 57

SUBSTITUTING WORDS "MENTALLY ILL" FOR WORD "INSANE"  
WHEREVER USED IN DELAWARE CODE OF 1953

**AN ACT AMENDING THE DELAWARE CODE OF 1953 BY  
STRIKING OUT THE WORD "INSANE" WHEREVER  
USED IN SAID CODE AND SUBSTITUTING IN LIEU  
THEREOF THE WORDS "MENTALLY ILL".**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. The Delaware Code of 1953 is amended by striking out the word "insane" wherever used in said Code and substituting in lieu thereof the words "mentally ill".

Section 2. Wherever in the Delaware Code of 1953, as hereby amended, the words "mentally ill" are substituted for the word "insane", the words "mentally ill" shall have the same legal connotation that the word "insane" possessed heretofore in that Code.

Approved May 7, 1953.

## CHAPTER 58

RELATING TO DEPOSIT OF SECURITY FOLLOWING MOTOR  
VEHICLE ACCIDENTS**AN ACT AMENDING CHAPTER 29, TITLE 21 OF THE DELA-  
WARE CODE OF 1953 RELATING TO THE DEPOSIT OF  
SECURITY FOLLOWING MOTOR VEHICLE ACCI-  
DENTS; SUSPENSION OF LICENSE AND REGISTRA-  
TION; EXCEPTION.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 2921, Title 21 of the Delaware Code of 1953  
is amended by adding at the end thereof the following sentence:

However, nothing herein contained shall prevent the Commissioner, in a proper case, upon evidence satisfactory to him, supported by affidavits, from permitting the issuance of a limited operator's license or registration to any person whose operator's license or registration has been suspended under this section, where such license or registration is necessary to that person's occupation or livelihood, and provided such limited license or registration shall state on its face that it is valid only when used by the operator or owner while engaged in his occupation or livelihood, and shall further state what occupation or livelihood is involved in each instance, and further provided, that such person presents satisfactory evidence to the commissioner that he then has an automobile liability policy or bond with respect to his ownership or operation of motor vehicles, such policy or bond to be in a sum to be determined by the commissioner.

Approved May 11, 1953.

CHAPTER 59

RELATING TO APPOINTMENT OF COUNTY POLICE BY NEW  
CASTLE COUNTY LEVY COURT

**AN ACT AMENDING CHAPTER 19, TITLE 9, DELAWARE  
CODE OF 1953, RELATING TO THE APPOINTMENT OF  
COUNTY POLICE BY THE LEVY COURT OF NEW  
CASTLE COUNTY.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. The first sentence of § 1903 (a), Title 9, Delaware Code of 1953, is amended to read as follows:

"The Levy Court of New Castle County shall appoint four (4) police from Brandywine Hundred, four (4) police from Christiana Hundred, four (4) police from New Castle Hundred and four (4) from Mill Creek Hundred."

Approved May 11, 1953.

## CHAPTER 60

INCREASING SALARY OF CLERK IN INSURANCE  
COMMISSIONER'S OFFICE**AN ACT TO AMEND CHAPTER 3, TITLE 18, DELAWARE  
CODE OF 1953, RELATING TO INSURANCE COMMIS-  
SIONER; CLERICAL ASSISTANTS; APPOINTMENT  
AND SALARY.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 310, Chapter 3, Title 18, Delaware Code of 1953 is amended by striking out the words and figures at the end thereof "an annual salary of \$2200", and substituting in lieu thereof the words and figures "an annual salary of \$2500."

Approved May 11, 1953.

CHAPTER 61

EXEMPTING PENCADER 4-H CLUB CENTER FROM TAXATION AND  
ASSESSMENT ON REAL PROPERTY

AN ACT AMENDING CHAPTER 81, TITLE 9, DELAWARE  
CODE OF 1953 RELATING TO SPECIFIC ORGANIZA-  
TIONS EXEMPT FROM CERTAIN TAXATION AND AS-  
SESSMENT ON REAL PROPERTY.

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 8105, Title 9 of the Delaware Code of 1953  
is amended by adding at the end thereof the name "Pencader  
4-H Club Center, Inc."

Approved May 11, 1953.

## CHAPTER 62

RELATING TO RECEIPT FOR PAYMENT OF ESTATE TAX

### **AN ACT TO AMEND CHAPTER 15, TITLE 30, DELAWARE CODE OF 1953, RELATING TO RECEIPT FOR PAYMENT OF ESTATE TAX.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1507, Title 30, Delaware Code of 1953 is amended to read as follows:

#### **§ 1507. Receipt for taxes paid**

The Tax Department on receiving any tax under the provisions of this chapter shall give the person paying the same a receipt therefor and said receipt shall be evidence in a suit upon the bond of the Tax Commissioner to recover the tax received by him.

Approved May 11, 1953.



CHAPTER 63

RELATING TO RECEIPT FOR PAYMENT OF INHERITANCE TAX

**AN ACT TO AMEND CHAPTER 13, TITLE 30, DELAWARE  
CODE OF 1953, RELATING TO RECEIPT FOR PAYMENT  
OF INHERITANCE TAX.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 1346, Title 30, Delaware Code of 1953 is amended to read as follows:

**§ 1346. Receipt for taxes paid**

The Tax Department on receiving any tax under the provisions of this chapter shall give the person paying the same a receipt therefor and said receipt shall be evidence in suits upon the bond of the Tax Commissioner to recover the tax received by him.

Approved May 11, 1953.

## CHAPTER 64

RELATING TO ASSESSMENT OF ADDITIONAL INCOME  
TAXES AND REFUNDS**AN ACT TO AMEND CHAPTER 11, TITLE 30, DELAWARE  
CODE OF 1953, IN RELATION TO ASSESSMENT OF AD-  
DITIONAL INCOME TAXES AND REFUNDS OF INCOME  
TAXES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1181 (b), Title 30, Delaware Code of 1953 is amended to read as follows:

(b) If the Tax Department discovers from the examination of the return or otherwise that tax on the income of any taxable, or any portion thereof, has not been assessed, it may, at any time within three years after the time when the return was due, or if not filed on the due date within three years from the date the return was filed, assess the tax on the same and give notice to the taxable of such assessment and at the termination of 30 days, the additional tax determined by the Tax Department shall be due and payable unless the taxable or his agent or attorney shall have within said 30 days, filed complaint or appeal in writing over his signature from the assessment of the Tax Commissioner and requested a hearing before the Tax Board. The limitation of three years to the assessment of such tax shall not apply to the assessment of additional taxes upon returns which are fraudulent or the income thereon grossly understated or in cases where no return has been filed.

Section 2. § 1182 (a), Title 30, Delaware Code of 1953 is amended to read as follows:

**§ 1182. Claims for abatement or refund**

(a) A taxable may apply to the Tax Commissioner, Tax Board, and the Superior Court, in order named, as provided, for refund of the taxes imposed by this chapter alleged to have been erroneously or illegally assessed or collected or of any

interest or penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected from the taxable at any time within three years from the date such return was originally required to be filed or 30 days from the date of payment of any additional tax.

Section 3. The provisions of this Act shall be given effect in returns of income for the entire taxable year beginning January 1, 1952 and all taxable years thereafter.

Approved May 11, 1953.

## CHAPTER 65

COMBINING BRANDYWINE AND EDGEWOOD SANATORIA UNDER  
NAME OF EMILY P. BISSELL SANATORIUM

**AN ACT COMBINING BRANDYWINE AND EDGEWOOD  
SANATORIA UNDER ONE NAME AND ONE ADMINIS-  
TRATION, AND AMENDING CHAPTER 1, TITLE 16,  
DELAWARE CODE OF 1953, RELATING TO HEALTH  
AND SAFETY SO AS TO CONFORM TO SAID CHANGE.**

WHEREAS the State of Delaware maintains and operates  
Brandywine Sanatorium and Edgewood Sanatorium; and

WHEREAS it is considered that the unification of these  
sanatoria would be beneficial in the promotion of better service  
to persons suffering from tuberculosis in the State; and

WHEREAS it will prove more economical to unify the  
administration and medical programs at both institutions; and

WHEREAS the late Emily P. Bissell, a pioneer in tuber-  
culosis control activity in this State, has brought credit and  
honor to Delaware by having issued the first Christmal Seal in  
the United States of America; and

WHEREAS the late Miss Bissell has received national and  
international recognition for the work which she began; NOW,  
THEREFORE,

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. The State tuberculosis sanatoria, heretofore  
known as Brandywine and Edgewood, are hereby unified into  
one State institution which will be named the Emily P. Bissell  
Sanatorium.

Section 2. That all appropriations made by the General  
Assembly for use at Brandywine and Edgewood Sanatoria shall  
be combined in one account, from which shall be paid all salaries  
of employees, operations, and any other costs necessary for  
the proper care of tuberculosis patients.

Section 3. § 154, Title 16, Delaware Code of 1953, is amended by striking out the word "Brandywine" as it appears in the second line of said section and substituting in lieu thereof the words, "Emily P. Bissell".

Section 4. The provisions of this act shall become effective on July 1, 1953.

Approved May 11, 1953.

## CHAPTER 66

AUTHORIZING SECRETARY OF STATE TO CORRECT TYPOGRAPHICAL  
ERRORS IN PRINTING SESSION LAWS

**AN ACT TO AMEND TITLE 29, DELAWARE CODE OF 1953,  
ENTITLED "STATE GOVERNMENT" IN RESPECT TO  
THE PRINTING OF SESSION LAWS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 907 (a), Title 29, Delaware Code of 1953 is amended by adding thereto the following sentence:

In the preparation of the Session Laws for printing, the Secretary of State may correct obvious typographical errors but if there is any doubt as to whether a typographical error exists, the Secretary of State shall print the laws as enacted without correction.

Approved May 11, 1953.

## CHAPTER 67

AUTHORIZING STATE TREASURER TO TRANSFER CERTAIN BALANCES  
IN ACCOUNTS OF FORMER STATE TREASURER WILLARD D. BOYCE

**AN ACT AUTHORIZING THE STATE TREASURER TO  
TRANSFER CERTAIN BALANCES IN THE ACCOUNTS  
OF FORMER STATE TREASURER WILLARD D. BOYCE  
TO THE GENERAL FUND OF THE STATE OF DELA-  
WARE.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. The State Treasurer is authorized to transfer to the credit of the General Fund of the State of Delaware the amount of Four Thousand Two Hundred Dollars and Ninety-one Cents (\$4,200.91) made up of certain balances for which the date for honoring any check or order drawn thereupon has expired by statute, such amount being the total of balances on deposit to the credit of the State of Delaware in the Farmers Bank in the name and in the accounts as follows:

Treasurer of the State of Delaware	
Willard D. Boyce .....	\$2,203.06
Special I.B.M. Payroll Acct. ....	1,730.74
Motor Fuel Tax Refund Acct. ....	195.11
Motor Vehicle Licenses & Fees Acct. ..	72.00
	<hr/>
Total .....	\$4,200.91

Approved May 11, 1953.

## CHAPTER 68

## APPROPRIATION

RAYMOND J. LONG FOR MILITARY BONUS

**AN ACT TO APPROPRIATE MONEY TO RAYMOND J. LONG,  
A RESIDENT OF THE STATE OF DELAWARE AND A  
VETERAN OF WORLD WAR II FOR MILITARY SERVICE  
BONUS.**

WHEREAS, Raymond J. Long, a resident of the State of Delaware and a veteran of World War II, was eligible under the Veterans' Military Pay Act, Chapter 1, Volume 47, Laws of Delaware, Special Session; and

WHEREAS, it was impossible for him to comply with the requirements of the Veterans' Military Pay Act, due to the fact that he was unable to secure the necessary papers in time; and

WHEREAS, no payments were authorized under the said Act after June 30, 1951; and

WHEREAS, the Delaware Veterans' Military Pay Commission expired on the 30th day of June, 1951; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of Three Hundred Dollars (\$300.00) is hereby appropriated to Raymond J. Long as a bonus payment incident to his military service in World War II.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the general funds of the State Treasury, not otherwise appropriated.

Approved May 13, 1953.



## CHAPTER 69

### APPROPRIATION

#### GEORGE H. KERN FOR MILITARY BONUS

#### **AN ACT TO APPROPRIATE MONEY TO GEORGE H. KERN, A FORMER RESIDENT OF THE STATE OF DELAWARE AND A VETERAN OF WORLD WAR II, FOR MILITARY SERVICE BONUS.**

WHEREAS, George H. Kern, a former resident of the State of Delaware and a veteran of World War II, was eligible under the Veterans' Military Pay Act, Chapter 1, Volume 47, Laws of Delaware, Special Session; and

WHEREAS, it was impossible for him to comply with the requirements of the Veterans' Military Pay Act, due to the fact that he was unable to secure the necessary papers in time; and

WHEREAS, no payments were authorized under the said Act after June 30, 1951; and

WHEREAS, the Delaware Veterans' Military Pay Commission expired on the 30th day of June, 1951; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of Three Hundred Dollars (\$300.00) is hereby appropriated to George H. Kern as a bonus payment incident to his military service in World War II.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the general funds of the State Treasury, not otherwise appropriated.

Approved May 13, 1953.

## CHAPTER 70

TRANSFERRING FUNDS TO OAK GROVE SCHOOL DISTRICT  
CONSTRUCTION ACCOUNT**AN ACT TO TRANSFER CERTAIN FUNDS TO THE SCHOOL  
CONSTRUCTION ACCOUNT OF OAK GROVE SCHOOL  
DISTRICT NO. 130 IN NEW CASTLE COUNTY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of Twenty-five Thousand Dollars (\$25,000), which sum has heretofore been levied and collected by Oak Grove School District No. 130 in New Castle County in excess of the moneys needed for the payment of principal and interest on its bonds, is transferred to the construction account of the Oak Grove School District No. 130 in New Castle County for use by the Oak Grove School Building Commission or the Board of School Trustees of Oak Grove School District No. 130 for the purchase of equipment in accordance with the approved school construction program.

Approved May 13, 1953.

## CHAPTER 71

## MOTOR VEHICLE PERMITS

RELATING TO TEMPORARY OR LIMITED PERMITS AND SPECIAL  
LICENSE PLATES TO STOCK CARS BEING TOWED

**AN ACT AMENDING CHAPTER 21, TITLE 21, DELAWARE  
CODE OF 1953, RELATING TO THE ISSUANCE OF TEM-  
PORARY OR LIMITED MOTOR VEHICLE PERMITS  
AND PROVIDING FOR THE ISSUANCE OF SPECIAL  
LICENSE PLATES FOR STOCK CARS BEING TOWED.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 2153, Title 21, Delaware Code of 1953, is  
amended to read as follows:

**§ 2153. Temporary or limited permits; number plates for  
stock cars**

(a) The fee for a temporary or limited permit shall be  
One Dollar (\$1.00).

(b) In addition to obtaining a temporary or limited  
permit as provided in subsection (a) of this section, owners  
of stock cars of the type used for racing may apply to the  
Department upon appropriate forms provided by the Depart-  
ment, for one or more pairs of special plates or single special  
plates, as are appropriate to the particular type of vehicle.  
The Department, upon approving any such application, shall  
issue to the applicant a certificate containing the applicant's  
name and address and other appropriate information. The  
Department shall then issue to such applicant special plates of  
a design, size, material and color determined by the Depart-  
ment. Each plate or pair of plates issued, however, shall con-  
tain a number or symbol distinguishing same from other plates  
issued under this chapter. The owner of any such vehicle may  
tow, or have such vehicle towed, upon the highways upon condi-  
tion that such vehicle display thereon in the manner prescribed  
in this chapter for regular number plates, the special plate or

plates issued to such owner as provided by this subsection. All such special plates issued shall expire at a date to be determined by the Department, but may be extended from time to time by the person to whom such plates were issued upon application to the Department and payment of the regular fee. No such special plates shall be issued until the applicant has paid a fee of Five Dollars (\$5.00) for each set of such special plates.

Approved May 13, 1953.

## CHAPTER 72

PERMITTING PARKING AUTHORITIES TO LEASE PORTIONS OF  
PARKING FACILITIES FOR SALE OF GASOLINE, LUBRICANTS,  
AUTOMOBILE ACCESSORIES, REPAIRS, SERVICE, AND  
OTHER COMMERCIAL USES

**AN ACT TO AMEND TITLE 22, DELAWARE CODE OF 1953,  
RELATING TO "MUNICIPALITIES" BY PERMITTING  
PARKING AUTHORITIES TO LEASE PORTIONS OF  
PARKING FACILITIES FOR THE SALE OF GASOLINE,  
LUBRICANTS, AND AUTOMOBILE ACCESSORIES, RE-  
PAIRS AND SERVICE AND FOR OTHER COMMERCIAL  
USES BY LESSEES.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Title 22, Delaware Code of 1953 is amended  
by striking out all of the last sentence of the first paragraph of  
subsection (a) and all of the second paragraph of subsection  
(a) of § 504 and substituting the following:

The Authority shall not have the power to directly engage  
in the sale of gasoline, the sale of automobile accessories, auto-  
mobile repair and service or any other garage service, other  
than the parking of vehicles, and the Authority shall not direct-  
ly engage in the sale of any commodity of trade or commerce;  
provided, however, that the Authority shall have the power to  
lease space in any of its facilities for use by the lessee for the  
sale of gasoline, the sale of automobile accessories, automobile  
repair and service or any other garage service and to lease  
portions of any of its garage buildings or structures for com-  
mercial use by the lessee, where, in the opinion of the Authority,  
such leasing is necessary and feasible for the financing and  
operation of such facilities. Any such lease shall be granted on  
a fair competitive basis.

Approved May 14, 1953.

CHAPTER 73

RELATING TO DISTRIBUTION OF TREE SEEDS AND SEEDLINGS  
BY THE STATE FORESTRY DEPARTMENT

**AN ACT TO AMEND CHAPTER 29, TITLE 7, DELAWARE  
CODE OF 1953 RELATING TO THE DISTRIBUTION OF  
TREE SEEDS AND SEEDLINGS BY THE STATE  
FORESTRY DEPARTMENT.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Chapter 29, Title 7, Delaware Code of 1953,  
is amended by repealing all of subsections (b) and (c) of  
§ 2910.

Approved May 14, 1953.

## CHAPTER 74

### APPROPRIATION

#### JAMES H. MULLEN FOR MILITARY BONUS

#### **AN ACT TO APPROPRIATE MONEY TO JAMES H. MULLEN, A RESIDENT OF THE STATE OF DELAWARE AND A VETERAN OF WORLD WAR II FOR MILITARY SERVICE BONUS.**

WHEREAS, James H. Mullen, a resident of the State of Delaware and a veteran of World War II, was eligible under the Veterans' Military Pay Act, Chapter 1, Volume 47, Laws of Delaware, Special Session; and

WHEREAS, it was impossible for him to comply with the requirements of the Veterans' Military Pay Act, due to the fact that he was unable to secure the necessary papers in time; and

WHEREAS, no payments were authorized under the said Act after June 30, 1951; and

WHEREAS, the Delaware Veterans' Military Pay Commission expired on the 30th day of June, 1951; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of one hundred forty dollars (\$140.00) is hereby appropriated to James H. Mullen, as a bonus payment incident to his military service in World War II.

Section 2. This Act shall be known as a Supplementary appropriation act and the money hereby appropriated shall be paid out of the general funds of the State Treasury, not otherwise appropriated.

Approved May 14, 1953.

## CHAPTER 75

## STATE PENSIONS

AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE OF 1953, ENTITLED "STATE EMPLOYEES PENSION PLAN," BY REDEFINING ALLOWABLE INTERRUPTIONS TO INCLUDE VOLUNTARY SEVERANCE OF EMPLOYMENT DURING THE PERIOD FROM DECEMBER 7, 1941 TO NOVEMBER 15, 1946; BY PERMITTING CERTAIN EMPLOYEES RECEIVING PENSIONS TO BE EMPLOYED BY THE STATE OF DELAWARE AND ELECTED OR APPOINTED TO OFFICE UNDER CERTAIN CONDITIONS; BY PERMITTING CERTAIN PRESENT OR FORMER EMPLOYEES OF THE STATE HIGHWAY DEPARTMENT WHO HAVE OTHERWISE REACHED THE MANDATORY AGE OF RETIREMENT TO CONTINUE THEIR EMPLOYMENT OR TO BE REHIRED UNDER CERTAIN CONDITIONS; AND BY GIVING CREDIT FOR THE TIME SERVED BY CERTAIN STATE HIGHWAY DEPARTMENT EMPLOYEES WHILE IN THE EMPLOY OF THE RESPECTIVE COUNTIES IN THE CARE, MANAGEMENT AND CONTROL OF COUNTY ROADS AND BRIDGES BEFORE THE SAME WERE TRANSFERRED TO THE STATE HIGHWAY DEPARTMENT.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 5501, Title 29, Delaware Code of 1953, is amended by adding at the end of sub-paragraph (3) of the first paragraph of said section the word "or" and by adding at the end of the first paragraph of said section a new sub-paragraph numbered (4) to read as follows:

(4) Voluntary severance of employment during the period from December 7, 1941 to November 15, 1946.

Section 2. § 5508, Title 29, Delaware Code of 1953, is amended to read as follows:

§ 5508. Employment of pension beneficiaries by the State



Any person receiving a pension under the provisions of this chapter may be employed by the State of Delaware in any capacity, if he is not over seventy (70) years of age, or may be appointed or elected to office regardless of age. During the period of such employment, appointment or elective term all pension payments shall cease unless he shall be employed or serve without pay.

Section 3. § 5521, Title 29, Delaware Code of 1953, is amended by adding after subsection of said section new subsections to read as follows:

Any person who was in the employ of the State Highway Department at any time prior to January 1, 1953 or employed by said department on the effective date of this subsection, who at the mandatory age of retirement did not or does not have fifteen (15) years of covered employment, if physically fit for employment, may be reemployed or retained in the employment of the State Highway Department until he shall have attained fifteen (15) years of covered employment and is eligible for pension benefits or becomes physically unfit for employment.

Any employee of the State Highway Department who prior to the effective date of this subsection had fifteen (15) years or more of employment at the date of his retirement from said Department, even though a portion of the interval of employment was subsequent to the time said employee attained the age of seventy (70) years shall be considered in covered employment for the entire period of his employment and shall be eligible for pension benefits in accordance with the provisions of this chapter.

Section 4. § 5522, Title 29, Delaware Code of 1953, is amended to read as follows:

§ 5522. Credit for time served by certain Highway Department employees

Any former or present employee of the State Highway Department who was employed by the Levy Courts of the respective counties in this State in the care, management and

control of the County roads and bridges of the respective counties and at the time all the care and management and control of County roads and bridges was transferred to the State Highway Department was then employed by a Levy Court of this State in the care and management and control of the County roads and bridges or was at the time of said transfer an employee of the State Highway Department, shall in computing the number of years service required to receive pension benefits within the meaning of this chapter, receive full credit for the time he was so employed by the Levy Court.

Approved May 14, 1953.

CHAPTER 76

AID TO BLIND PROGRAM

INCREASING MAXIMUM AMOUNT OF AID PAYABLE

**AN ACT TO AMEND TITLE 31, DELAWARE CODE OF 1953, ENTITLED "WELFARE" BY CHANGING THE RESIDENCE REQUIREMENT AND INCREASING THE MAXIMUM AMOUNT OF ASSISTANCE PAYABLE UNDER THE AID TO THE BLIND PROGRAM.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2303, Title 31, Delaware Code of 1953 is amended by adding after the word "application" in the third line of subparagraph (7) the following sentence.

"Residence requirements may be waived or altered by cooperative agreements with other states in order to facilitate mutual transfer of recipients moving between Delaware and the cooperating state."

Section 2. § 2308, Title 31, Delaware Code of 1953 is amended by striking out and repealing the figures "\$60" as they appear in the last line of the section and inserting in lieu thereof the figures "\$85".

Approved May 14, 1953.

## CHAPTER 77

### RELATING TO LICENSING OF DEADLY WEAPONS DEALERS AND PROHIBITING SALE OF SWITCH BLADE KNIVES

#### AN ACT TO AMEND CHAPTER 9, TITLE 24 OF THE DELA- WARE CODE OF 1953 RELATING TO DEADLY WEAP- ONS DEALERS; NECESSITY FOR LICENSE; EXCEP- TIONS.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 901, Chapter 9, Title 24, Delaware Code of 1953 is amended to read as follows:

#### § 901. Necessity for license; exceptions

No person shall sell or expose to sale, any pistol or revolver, or revolver or pistol cartridges, stiletto, steel or brass knuckles, or other deadly weapon made especially for the defense of one's person, without first having obtained a license therefor, which license shall be known as "Special License to Sell Deadly Weapons". No person licensed or unlicensed shall possess, sell, or offer for sale any switch blade knife.

This section shall not apply to toy pistols, pocket knives, or knives used in the domestic household, or surgical instruments or tools of any kind.

Approved May 20, 1953.

## CHAPTER 78

PROVIDING FOR ISSUANCE OF SPECIAL LICENSE PLATES TO OWNERS  
OF MOTOR VEHICLES WHO OPERATE AMATEUR RADIO STATIONS

**AN ACT TO AMEND CHAPTER 21 TITLE 21 OF THE  
DELAWARE CODE OF 1953 RELATING TO REGISTRA-  
TION OF VEHICLES; NUMBER AND REGISTRATION  
PLATES; PROVISION FOR THE ISSUANCE OF SPECIAL  
LICENSE PLATES TO THE OWNERS OF MOTOR VE-  
HICLES WHO OPERATE AMATEUR RADIO STATIONS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 2121 Title 21 of the Delaware Code of 1953  
is amended by adding a new subsection to be styled § 2121 (g),  
as follows:

**§ 2121. Number and registration plates; provision for the  
issuance of special license plates to the owners of motor vehicles  
who operate amateur radio stations**

(g). Upon written application, the Department shall furnish to any owner of a motor vehicle otherwise entitled to license plates who is a resident of the State of Delaware and who holds a valid, unrevoked and unexpired official Amateur Radio Station License issued by the Federal Communications Commission, a set of special license plates for each motor vehicle owned by him and on which the required registration fee has been paid, but not to exceed two sets of plates for each individual, which plates shall bear the official amateur radio station call letters as assigned by the Federal Communications Commission to said individual, and which plates shall supersede, during the time said individual holds a valid, unrevoked and unexpired official Amateur Radio Station License issued by the Federal Communications Commission and while such motor vehicle is owned by him, the regular numbered plates assigned to such motor vehicle; provided that at all times the necessary registration fee has been paid for such motor vehicle. Upon making application for such special license plates the owner shall pay, in addition to the regular registration fee, the sum of Five Dollars and Fifty

Cents (\$5.50) for each set of plates. Application shall be made on such forms as shall be prescribed by the Department. The Department shall cause to be made a complete list of all names, addresses and license plate letters issued under this subsection and shall furnish copies to all State, County, Municipal and other law enforcement officers.

The special license plates shall have imprinted thereon only the call letters of the licensee, the word Delaware and the expiration date of the license plate.

Approved May 20, 1953.

## CHAPTER 79

## LEGAL DOCUMENTS

**AN ACT TO MAKE VALID IMPROPERLY ACKNOWLEDGED  
LEGAL INSTRUMENTS AND DOCUMENTS AND THE  
RECORD AND FILING THEREOF.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. That the filing and/or record in any State, county or other public office in this State of any legal instrument or document dated prior to the first day of January, A. D. 1953, which, when duly executed and acknowledged, is by law directed, authorized or entitled to be filed and/or recorded in such office, and which has been duly executed by the proper party or parties, notwithstanding that such instrument or document has not been acknowledged before an officer authorized by the Laws of Delaware to take acknowledgments, or has not been otherwise properly acknowledged, or the acknowledgment of which, including the private examination of any married woman party thereto, has not been taken and certified in conformity with the laws of this State in force at the time such instrument or document was executed, and each such instrument or document, recorded and/or filed as aforesaid, shall be and the same are hereby severally made as valid and effective in law as if such instrument or document had been correctly acknowledged and the acknowledgment correctly certified; and the said record of each such instrument or document, or any office copy thereof as recorded and/or filed, or the original instrument or document itself, shall be admitted as evidence in all Courts of this State and shall be as valid and conclusive evidence as if such instrument or document had been in all respects acknowledged and the acknowledgment certified in accordance with the then existing law.

Approved May 20, 1953.

## CHAPTER 80

## MORTGAGED PREMISES

**AN ACT TO AMEND CHAPTER 21, TITLE 25, DELAWARE CODE OF 1953, CONCERNING THE RELEASE OF PART OF MORTGAGED PREMISES BY CHANGING THE EFFECTIVE DATE OF SUCH RELEASE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2110, Chapter 21, Title 25, Delaware Code of 1953, is amended by striking out all of said § 2110 and substituting the following:

**§ 2110. Effect of release of part of mortgaged premises; acknowledgment and recording**

The release by the mortgagee or his assigns, executed at the instance of the mortgagor, his heirs or assigns, of any part of the mortgaged premises, shall not be deemed or taken to operate as a release or discharge of any other part of the lands included in such mortgage, but such other lands shall be and remain subject to the lien of the mortgage, and execution may be had thereof in the same manner as if the mortgage had originally included only such lands. Every such release shall be under hand and seal, and shall be acknowledged in the same manner as provided by law for the acknowledgment of deeds, and shall become effective upon the date of filing in the office of the Recorder of Deeds in and for the County in which such lands so released are situated.

Approved May 20, 1953.



CHAPTER 81

COUNTY TAX RATES

**AN ACT AMENDING CHAPTER 80, TITLE 9, DELAWARE  
CODE OF 1953, RELATING TO COUNTY TAX RATES.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 8002 (b), Title 9, Delaware Code of 1953, is amended to read as follows:

"The tax rate for Kent and Sussex Counties shall not exceed the sum of Fifty Cents (\$0.50) on each One Hundred Dollars (\$100.00) of assessed valuation. Until June 30, 1955, the tax rate for New Castle County may exceed Fifty Cents (\$0.50) but shall not exceed Sixty-five Cents (\$0.65) on each One Hundred Dollars (\$100.00) of assessed valuation."

Approved May 21, 1953.

## CHAPTER 82

## TRESPASSING ON LAND WITH GUN OR DOG

**AN ACT AMENDING CHAPTER 7, TITLE 7, DELAWARE CODE OF 1953 RELATING TO TRESPASSING UPON LAND WITH GUN OR DOG; PENALTY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 720 (a), Title 7, Delaware Code of 1953 is amended to read as follows:

**§ 720. Trespassing upon land with gun or dog; violation and penalty**

(a). Whoever enters upon any land not owned by himself with gun and/or dog for the purpose of shooting any kind of birds or game without first obtaining permission to do so from the owner or occupant, shall be fined not less than Fifteen Dollars (\$15.00) nor more than Twenty Five Dollars (\$25.00).

Approved May 21, 1953.

## CHAPTER 83

### APPROPRIATION

STATE HIGHWAY DEPARTMENT FOR CONSTRUCTION OF DAM FOR  
PURPOSE OF RESTORING WILLIAMS POND

**AN ACT APPROPRIATING THE SUM OF SIXTY-FIVE  
THOUSAND DOLLARS (\$65,000.00) TO THE STATE  
HIGHWAY DEPARTMENT FOR THE CONSTRUCTION  
OF A DAM AT THE OLD DAM SITE, NORTH BRANCH  
OF NANTICOKE RIVER NEAR SEAFORD FOR THE  
PURPOSE OF RESTORING WILLIAMS POND.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. The sum of sixty-five thousand dollars (\$65,000) is appropriated to the State Highway Department for the purpose of constructing a dam at the old dam site, north branch of Nanticoke River near Seaford for the purpose of restoring Williams Pond so as to create public recreational facilities in that area and at the same time provide an additional entrance to the Nanticoke Memorial Hospital near Seaford.

Section 2. This shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the general fund of the State of Delaware not otherwise appropriated. Any of the money appropriated herein that is not expended by the end of the fiscal year ending June 30, 1954 will revert to the general fund of the State.

Approved May 22, 1953.

## CHAPTER 84

AUTHORIZING SHOWING OF MOTION PICTURES OUTSIDE OF  
INCORPORATED TOWNS ON SUNDAY**AN ACT TO AMEND CHAPTER 9, TITLE 28, DELAWARE  
CODE OF 1953, RELATING TO MISCELLANEOUS PRO-  
VISIONS CONCERNING SPORTS AND AMUSEMENTS;  
REGULATION OF PUBLIC ENTERTAINMENT ON  
SUNDAYS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 906 (a), Chapter 9, Title 28, Delaware Code of 1953 is amended by striking out the period at the end thereof, and substituting in lieu thereof the following words:

“except that this prohibition shall not apply to public performances of motion pictures, with or without sound, between the hours of twelve noon and six P. M. and between the hours of eight P. M. and midnight.”

Approved May 25, 1953.

## CHAPTER 85

## APPROPRIATION

STATE SOIL CONSERVATION COMMISSION FOR DRAINAGE OF TAX  
DITCHES IN NEW CASTLE COUNTY

**AN ACT APPROPRIATING CERTAIN MONEYS TO THE  
STATE SOIL CONSERVATION COMMISSION FOR THE  
DRAINAGE OF TAX DITCHES IN NEW CASTLE  
COUNTY.**

WHEREAS, there exists a necessity to clean out and drain certain tax ditches in New Castle County, State of Delaware; and

WHEREAS, land owners, adjacent to and near said tax ditches, have agreed to contribute funds for said purpose; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is hereby appropriated to the State Soil Conservation Commission the sum of One Thousand Two Hundred and Fifty Dollars (\$1,250.00) for each of the fiscal years beginning July 1, 1953 and ending June 30, 1954, and beginning July 1, 1954 and ending June 30, 1955, to be used and expended for the purpose of contributing to the costs of clearing banks, removing obstructions, straightening, cleaning out and draining the tax ditches of New Castle County.

Section 2. For the purposes of this Act, the Levy Court of New Castle County is hereby authorized and directed to appropriate to the State Soil Conservation Commission the further sum of One Thousand Two Hundred and Fifty Dollars (\$1,250.00) for each of the fiscal years beginning July 1, 1953 and ending June 30, 1954, and beginning July 1, 1954 and ending June 30, 1955, to be used and expended for the purpose of contributing to the costs of clearing banks, removing obstructions, straightening, cleaning out and draining the tax ditches of New Castle County.

Section 3. That the money hereby appropriated shall be paid to the State Soil Conservation Commission by the State Treasurer and the Levy Court of New Castle County from time to time upon certification to the State Treasurer and the Levy Court of New Castle County by the Board of Soil District Supervisors of the Soil Conservation District of New Castle County that it has collected or received, from farmers and others benefiting from such clearing banks, removing obstructions, straightening, cleaning out and draining of said tax ditches, a specified sum of money to be used on said project. The State Treasurer, and the Levy Court of New Castle County, shall each make payment to said State Soil Conservation Commission on the basis of Fifty Cents (\$0.50) for every Dollar (\$1.00) or more so certified to the State Treasurer and the Levy Court of New Castle County by the Board of Soil District Supervisors of the Soil Conservation District of New Castle County, as having been by it collected or received from farmers and others benefiting from such clearing banks, removing obstructions, straightening, cleaning out or draining of said tax ditches in New Castle County.

Section 4. The sums of money from time to time paid to the State Soil Conservation Commission shall be transferred by said Commission to the Board of Soil District Supervisors of the Soil Conservation District of New Castle County, and shall be used and expended by said Board on such tax ditches for which contributions from farmers and others benefiting from such cleaning out and draining have been collected or received as shall be determined by the said Board of Soil District Supervisors.

Section 5. This Act shall be known as a Supplementary Appropriation Act and the moneys hereby appropriated by Section 1 shall be paid out of the General Fund of the State Treasury.

Approved May 25, 1953.

## CHAPTER 86

## APPROPRIATION

STATE SOIL CONSERVATION COMMISSION FOR PURCHASE OF  
EARTH MOVING MACHINERY AND EQUIPMENT

**AN ACT MAKING AN APPROPRIATION TO THE STATE SOIL CONSERVATION COMMISSION FOR THE PURCHASE OF HEAVY EARTH-MOVING MACHINERY AND OTHER EQUIPMENT NEEDED IN THE SOIL CONSERVATION WORK OF THE STATE, MAKING PROVISION FOR THE RE-PAYMENT THEREOF, AND DESIGNATING THE BOARDS OF SOIL DISTRICT SUPERVISORS TO OVERSEE THE USE OF SAID EQUIPMENT AND MACHINERY.**

WHEREAS, there exists the need of heavy earth-moving equipment by the Boards of Soil District Supervisors of the Soil Conservation Districts of the State for the purpose of cleaning out the main drainage ditches; and

WHEREAS, the cleaning of these ditches is imperative to the effective drainage of the farm lands, the economic crop production, and the general health and welfare of the people; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. That there is hereby appropriated to the State Soil Conservation Commission the sum of Ninety Thousand Dollars (\$90,000.00) for the purchase of heavy earth-moving and other machinery and equipment needed in the soil conservation work of the State.

Section 2. That the State Soil Conservation Commission upon application from the various County Boards of Soil Supervisors of the County Soil Conservation Districts shall allocate out of the total appropriation made to it by this Act, certain sums or parts thereof for use by such County Boards for the purchase of heavy earth-moving and other machinery needed in

the soil conservation work of the State, and shall turn over the funds allocated as in this Section provided to the applying Board or Boards of District Soil Supervisors.

Section 3. That the various County Boards of Soil Supervisors are authorized to use the machinery so purchased in Soil Conservation work, and to make a charge for such use sufficient to cover cost of operation and repayment cost when work is done for individual persons, corporations or associations of the State.

Section 4. The repayment charges received as provided in Section 3 hereof shall be remitted by the various County Boards of Soil Supervisors to the State Soil Conservation Commission to be turned over by said Commission to the State Treasurer of the State of Delaware, at least monthly when funds are received from such use.

Section 5. The moneys so collected by a County Board of Supervisors shall be credited on the books of the State Soil Conservation Commission and upon the books of the State Treasurer as re-payments on account of the total amount allocated for use in a certain Soil Conservation District and shall be deposited to the credit of the General Fund.

Section 6. That the earth-moving and other machinery and equipment needed for the soil conservation work of the State purchased as aforesaid shall become the property of the County Board of Soil Supervisors upon repayment by said Board of the total sum allocated to it for the purchase of the same. For the purpose of such repayment, each County Board of Soil Supervisors shall be allowed the term of Five (5) years from the date conservation funds are received by it out of the total appropriation hereby made.

Section 7. That until all loans made against this appropriation and previous appropriations for the purchase of earth-moving and other machinery and equipment have been paid in full, such loans shall be considered a lien against said equipment by the State of Delaware and shall be satisfied before the sale of such equipment may be made by the County Board of Soil Supervisors.



Section 8. That the funds hereby appropriated shall become available on the first day of July, A. D. 1953, and shall be available for use as herein provided for a period of Ten (10) years from said date, and shall be paid by the State Treasurer upon warrants approved by the proper officials of the State Soil Conservation Commission.

Section 9. This Act shall be known as Supplementary Appropriation Act, and the money hereby appropriated shall be paid by the State Treasurer, upon warrants of the State Soil Conservation Commission drawn according to law, out of moneys deposited in the Farmers' Bank of the State of Delaware, at Dover, consisting of money received from the sale of bonds which may be authorized by an Act of this 117th General Assembly, of the State of Delaware, entitled "AN ACT AUTHORIZING THE STATE OF DELAWARE TO BORROW A CERTAIN SUM OF MONEY FOR SUNDRY CAPITAL IMPROVEMENTS AND EXPENDITURES IN THE NATURE OF CAPITAL INVESTMENTS, AND TO ISSUE BONDS THEREFOR".

Approved May 25, 1953.

## CHAPTER 87

INCREASING NUMBER OF DAYS THAT BOARD OF EDUCATION  
MEMBERS SHALL RECEIVE PAY FOR ATTENDING MEETINGS

**AN ACT TO AMEND TITLE 14, DELAWARE CODE OF  
1953, RELATING TO "EDUCATION" AND REGARDING  
COMPENSATION FOR MEETINGS ATTENDED BY  
MEMBERS OF THE STATE BOARD OF EDUCATION.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 105, Title 14, Delaware Code of 1953, is amended by striking out the words "the members shall not receive pay for more than one day's attendance each calendar month" and substituting the following words: "the members shall not receive pay for more than eighteen (18) days' attendance in any one calendar year".

Approved May 25, 1953.

## CHAPTER 88

### APPROPRIATION

JEAN L. NEWTON, R. N., FOR TRAVEL EXPENSES

#### **AN ACT APPROPRIATING CERTAIN MONIES TO JEAN L. NEWTON IN PAYMENT OF A CLAIM TO SAID JEAN L. NEWTON AGAINST THE STATE OF DELAWARE.**

WHEREAS, Jean L. Newton, R. N., of Ocean View, Delaware is an employee of the Board of Examiners for Registered Nurses and was so employed as such during the fiscal year ending June 30, 1952.

WHEREAS, Jean L. Newton incurred travel expenses in connection with her duties in the amount of \$78.01 during the said fiscal year; and,

WHEREAS, Jean L. Newton, not being properly instructed regarding the submitting of invoices to the State Auditor's Office prior to June 30, 1952, the State Auditor could not pay this claim, as the invoices were submitted subsequent to June 30, 1952; and,

WHEREAS, this claim is a legal and just debt.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. That the State Treasurer be and is hereby directed and authorized to pay to Jean L. Newton the sum of \$78.01 for travel expenses incurred during the fiscal year ending on June 30, 1952.

Section 2. That this act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State Treasury, not otherwise appropriated.

Approved May 25, 1953.

## CHAPTER 89

AUTHORIZING LEVY COURT OF SUSSEX COUNTY TO APPROPRIATE  
FUNDS FOR EMPLOYMENT OF MANAGER OF OPERATIONS  
FOR SOIL CONSERVATION COMMISSION

**AN ACT AUTHORIZING THE LEVY COURT OF SUSSEX  
COUNTY TO MAKE AVAILABLE TO THE BOARD OF  
SOIL DISTRICT SUPERVISORS OF THE SOIL CONSER-  
VATION DISTRICT OF SUSSEX COUNTY CERTAIN  
FUNDS FOR THE EMPLOYMENT OF A MANAGER OF  
OPERATIONS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. That the Levy Court of Sussex County is hereby authorized to make available for, and to pay to, the Board of Soil District Supervisors of the Soil Conservation District of Sussex County the sum of Six Thousand (\$6,000.00) Dollars annually beginning July 1, A. D. 1953.

Section 2. The funds hereby authorized to be made available to the Board of Soil District Supervisors of the Soil Conservation District of Sussex County shall be used, when made available, for the purpose of employing a manager of the drainage and other operations of the said District Supervisors of the Soil Conservation District of Sussex County.

Approved May 25, 1953.

## CHAPTER 90

## APPROPRIATION

DELAWARE COMMISSION FOR FEEBLE MINDED FOR ESTABLISHMENT  
OF DIETARY CONTROL DEPARTMENT AT DELAWARE COLONY

**AN ACT TO AMEND CHAPTER 137, VOLUME 48, LAWS OF  
DELAWARE, 1951, ENTITLED "AN ACT MAKING AN  
APPROPRIATION TO DELAWARE COMMISSION FOR  
THE FEEBLE MINDED TO PROVIDE FOR THE EREC-  
TION AND EQUIPMENT OF CERTAIN BUILDINGS IN  
CONNECTION WITH THE STATE INSTITUTION FOR  
FEEBLE MINDED AT DELAWARE COLONY."**

WHEREAS, upon estimations made and received from a well known and reputable architect, the sum of one hundred twenty-five thousand dollars (\$125,000.00) originally appropriated for a centralized kitchen at Delaware Colony, under the provisions of Chapter 137, Volume 48, Laws of Delaware, 1951, is insufficient to erect, construct and equip a central kitchen at Delaware Colony, The State Training School, Stockley, Delaware, with capacity for preparing meals for present patient population; with an employees' dining room to serve present employee population, together with furniture and equipment for the same; and

WHEREAS, the erection, construction and the equipping of any centralized kitchen for Delaware Colony, the State Training School, Stockley, Delaware, would be inadequate, insufficient and very expensive in meeting the needs of the aforesaid Delaware Colony, according to the present geographical lay-out of said Delaware Colony, The State Training School; and

WHEREAS, the Delaware Commission for Feebleminded recognizes such existing conditions, as above stated, and has by appropriate action affirmed its belief therein; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 1 of Chapter 137, Volume 48, Laws of Delaware, 1951, is amended by striking out all of Section 1 and substituting in lieu thereof the following:

Section 1. The sum of one hundred twenty-five thousand dollars (\$125,000.00) is hereby appropriated to Delaware Commission for Feebleminded for the redesigning, reconstructing and replacing furniture and equipment necessary to establish the Dietary Control Department at Delaware Colony, The State Training School, in accordance with the accepted standards for dietary control as established by the American Association on Mental Deficiency.

Approved May 25, 1953.

CHAPTER 91

ELIMINATING NECESSITY FOR MUZZLING DOGS IN SUSSEX COUNTY

**AN ACT TO AMEND CHAPTER 3, TITLE 11, DELAWARE  
CODE OF 1953 RELATING TO "ANIMALS" BY ELIMI-  
NATING THE NECESSITY FOR MUZZLING OF DOGS  
IN SUSSEX COUNTY.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Chapter 3, Title 11, Delaware Code of 1953 is amended by repealing § 337.

Approved May 25, 1953.

## CHAPTER 92

## AUTHORIZING REFUND TO DELAWARE COMMISSION FOR BLIND

**AN ACT AUTHORIZING THE STATE TREASURER OF THE STATE OF DELAWARE TO REFUND CERTAIN MONIES TO THE DELAWARE COMMISSION FOR THE BLIND, SAID MONIES HAVING INADVERTENTLY REVERTED TO THE GENERAL FUND OF THE STATE OF DELAWARE.**

WHEREAS, an examination of the books and records of account of the Delaware Commission for the Blind for the year ended June 30, 1951 by Certified Public Accountants, at the request of the Permanent Budget Commission of the State of Delaware, disclosed that the amount of Two Thousand Seven Hundred Fifty-Three Dollars and Three Cents (\$2,753.03), representing private funds of the said Commission, have inadvertently reverted to the State Treasury due to improper coding by the spending agency; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The State Treasurer is authorized to refund to the Delaware Commission for the Blind the sum of Two Thousand Seven Hundred Fifty-Three Dollars and Three Cents (\$2,753.03) out of the General Fund of the State of Delaware.

Approved May 25, 1953.



CHAPTER 93

DEFICIENCY APPROPRIATION

HOCKESSIN CONSOLIDATED SCHOOL DISTRICT

**AN ACT APPROPRIATING FUNDS TO THE HOCKESSIN  
CONSOLIDATED SCHOOL DISTRICT NO. 29, TO MEET  
A DEFICIENCY.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. The sum of Three Hundred Dollars (\$300.00) is appropriated to the Hockessin Consolidated School District No. 29 to cover a deficiency in operating expenses of the school to be incurred during the remaining portion of the 1953 school term.

Section 2. This is a supplementary and deficiency appropriation and the monies herein appropriated shall be paid out of the General Fund of the State of Delaware.

Approved May 25, 1953.

## CHAPTER 94

## APPROPRIATION

STATE BOARD OF HEALTH TO MAINTAIN 40 HOUR WEEK AT  
BRANDYWINE AND EDGEWOOD SANATORIALS

**AN ACT MAKING AN APPROPRIATION TO THE STATE BOARD OF HEALTH FOR THE PURPOSE OF PROVIDING THE PAYMENT OF SALARIES AND WAGES OF EMPLOYEES OVER AND ABOVE THE PRESENT APPROPRIATIONS AVAILABLE TO THE STATE BOARD OF HEALTH AT BRANDYWINE AND EDGEWOOD SANATORIALS.**

WHEREAS, it has been necessary for the State Board of Health to change the wage scale at Brandywine and Edgewood Sanatorium in order that responsible and qualified personnel may be employed, and

WHEREAS, a forty (40) hour week for employees was put into effect on January 1, 1953 in order to secure the necessary help for conducting the above mentioned TB institutions, and

WHEREAS, present appropriations available to the State Board of Health are inadequate to meet the necessary salaries and wages of employees for the proper operation of Brandywine and Edgewood Sanatoriums for the fiscal year ending June 30, 1953; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is appropriated to the State Board of Health to be used only for the purposes indicated the sum of Fifty Thousand Five Hundred Sixteen Dollars and Twelve Cents (\$50,516.12).

Section 2. That the funds hereby appropriated shall be available during the fiscal year ending June 30, 1953 and shall be paid out by the State Treasurer upon proper vouchers presented by the State Board of Health, to which the said funds have been hereby appropriated.

Section 3. This Act shall be known as a supplementary and a deficiency appropriation bill and the funds hereby appropriated are to be paid out of the General Fund of the State Treasury from funds not otherwise appropriated. Any of the funds appropriated herein that are not expended during the fiscal year ending June 30, 1953 will revert to the General Fund of the State.

Approved May 25, 1953.

## CHAPTER 95

INCREASING APPROPRIATION FOR NEW CASTLE COUNTY  
FREE LIBRARY**AN ACT TO AMEND TITLE 9, DELAWARE CODE OF 1953  
BY AUTHORIZING AN INCREASE IN THE APPROPRI-  
ATION OF NEW CASTLE COUNTY MONIES FOR A  
COUNTY FREE LIBRARY FOR NEW CASTLE COUNTY.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 1562a, Title 9, Delaware Code of 1953 is amended by striking out the figures "\$40,000" as they appear in the fifth line thereof and substituting the figures "\$75,000."

Approved May 25, 1953.

CHAPTER 96

PROVIDING THAT MOTOR VEHICLES MUST BE EQUIPPED WITH  
DIRECTIONAL SIGNAL LIGHTS

**AN ACT TO AMEND TITLE 21, DELAWARE CODE OF 1953  
WITH REFERENCE TO MOTOR VEHICLES, BY PRO-  
VIDING THAT ALL NEW MOTOR VEHICLES LICENSED  
IN THIS STATE AFTER JULY 1, 1953, MUST BE EQUIP-  
PED WITH DIRECTIONAL SIGNAL LIGHTS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Chapter 43, Title 21, Delaware Code of 1953  
is amended by adding the following new section to subchapter  
I thereof:

**§ 4316. Directional signal lights**

All new vehicles licensed in this State must be equipped  
with directional signal lights.

Section 2. This act shall become effective July 1, 1953.

Approved May 25, 1953.

## CHAPTER 97

## APPROPRIATION

SOIL CONSERVATION COMMISSION FOR DRAINAGE OF SUSSEX  
COUNTY TAX DITCHES**AN ACT APPROPRIATING CERTAIN MONEYS TO THE  
STATE SOIL CONSERVATION COMMISSION FOR THE  
DRAINAGE OF TAX DITCHES IN SUSSEX COUNTY.**

WHEREAS, there exists a necessity to clean out and drain certain tax ditches in Sussex County, State of Delaware; and

WHEREAS, land owners, adjacent to and near said tax ditches, have agreed to contribute funds for said purposes;  
NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. That there is hereby appropriated to the State Soil Conservation Commission the sum of Twenty-five Thousand Dollars (\$25,000.00) for each of the fiscal years beginning July 1, 1953 and ending June 30, 1954, and beginning July 1, 1954 and ending June 30, 1955, to be used and expended for the purpose of contributing to the costs of clearing banks, removing obstructions, straightening, cleaning out and draining the tax ditches of Sussex County.

Section 2. For the purposes of this Act, the Levy Court of Sussex County is hereby authorized and directed to appropriate to the State Soil Conservation Commission the further sum of Twenty-five Thousand Dollars (\$25,000.00) for each of the fiscal years beginning July 1, 1953 and ending June 30, 1954, and beginning July 1, 1954 and ending June 30, 1955, to be used and expended for the purpose of contributing to the costs of clearing banks, removing obstructions, straightening, cleaning out and draining the tax ditches of Sussex County.

Section 3. That the money hereby appropriated shall be paid to the State Soil Conservation Commission by the State

Treasurer and the Levy Court of Sussex County from time to time upon certification to the State Treasurer and the Levy Court of Sussex County by the Board of Soil District Supervisors of the Soil Conservation District of Sussex County that it has collected or received, from farmers and others benefiting from such clearing banks, removing obstructions, straightening, cleaning out and draining of said tax ditches, a specified sum of money to be used on said project. The State Treasurer, and the Levy Court of Sussex County, shall each make payment to said State Soil Conservataion Commission the sum of Fifty Cents (\$0.50) for every Dollar (\$1.00) or more so certified to the State Treasurer and the Levy Court of Sussex County by the Board of Soil District Supervisors of the Soil Conservation District of Sussex County, as having been by it collected or received from farmers and others benefiting from such clearing banks, removing obstructions, straightening, cleaning out or draining of said tax ditches in Sussex County.

Section 4. The sums of money from time to time paid to the State Soil Conservation Commission shall be transferred by said Commission to the Board of Soil District Supervisors of the Soil Conservation District of Sussex County, and shall be used and expended by said Board on such tax ditches for which contributions from farmers and others benefiting from such cleaning out and draining have been collected or received as shall be determined by the said Board of Soil District Supervisors.

Section 5. This Act shall be known as a Supplementary Appropriation Act and the moneys hereby appropriated by Section 1 of this Act shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved May 25, 1953.

## CHAPTER 98

## AUTHORIZING ISSUANCE OF PERMITS FOR HOLDING FIELD TRIALS

**AN ACT TO AMEND TITLE 7, DELAWARE CODE OF 1953  
RELATING TO "CONSERVATION" WITH REFERENCE  
TO THE HOLDING OF FIELD TRIALS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 106, Title 7, Delaware Code of 1953 is amended by adding a subsection (f) as follows:

(f) The Board may issue a permit to any recognized sportsmens club having its principal location in the State to hold field trials at any time on liberated game legally possessed or on liberated artificially propagated game legally possessed and take such game by shooting. Such game taken shall be immediately tagged for identification with seals or tags supplied by the Board, for which it shall receive five cents each. Game so tagged may be possessed, transported, bought and sold at any time and seals shall not be removed until game is finally prepared for consumption.

Section 2. All acts or parts of acts inconsistent with this act are repealed.

Approved May 26, 1953.



## CHAPTER 99

RELATING TO MERCHANTS LICENSE FOR DEALERS IN FEED BAGS

**AN ACT TO AMEND CHAPTER 29, TITLE 30, DELAWARE CODE OF 1953, ENTITLED "MERCHANTS LICENSE TAX" BY INCLUDING DEALERS IN FEED BAGS WITHIN CERTAIN EXEMPTIONS AND GRANTING FURTHER RELIEF TO SAID DEALERS.**

WHEREAS, 170, Section 140, Article 14 of Chapter 6 of the Revised Code of Delaware, 1935 established a license tax rate of twenty cents (20¢) for every One Thousand Dollars (\$1,000.00) of the cost value of the commodities purchased for sale or shipment for persons engaged in the business of buying, selling and shipping grain, fruits and vegetables at wholesale; and,

WHEREAS, said Act as thereafter amended was further amended by an Act of the 109th General Assembly, being Chapter 6, Volume 44, Laws of Delaware, 1943, so as to include within said license provision "Dealers in Feed Bags"; and,

WHEREAS, by an Act of the 116th session of the General Assembly, being Chapter 379, Volume 48, Laws of Delaware, 1951, said Act was further amended so as to include within the provisions of 170, Section 140, Article 14 of Chapter 6 of the Revised Code of Delaware, 1935, as amended, "Dealers in Live-stock"; and,

WHEREAS, "Dealers in Feed Bags" were excluded in error as will appear by reference to the Title of said Amendatory Act.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2905, Title 30, Delaware Code of 1953, is amended to read as follows:

§ 2905. Grain, feed, feed bags, fruit, vegetable, poultry, coal or livestock merchant

The provisions of sections 2901-2904 of this title shall not apply to persons engaged in the business of buying, selling and shipping grains and commercial feeds, feed bags, fruits, and vegetables, poultry, coal or livestock by wholesale or by retail when in carload lots or equal quantities or when the cost value of the commodities so purchased, sold or shipped exceeds the sum of One Hundred Thousand Dollars (\$100,000) during the taxable year. All such desiring to so engage, or to continue so engaged, shall annually, on or before the first day of June, take out a license to engage in, prosecute, follow and carry on the said business and occupation, for which he shall pay, for the use of State, to the State Tax Department the sum of Five Dollars (\$5.).

Every person so engaged, shall, on or before the first day of June, annually, file with the Tax Department, a true statement of the aggregate cost value of the commodities which he has purchased for sale or shipment in said business or occupation during the year next preceding, which statement shall be verified by the oath or affirmation of such person, or by some one member of any association or firm, or by the president or other presiding officer of any corporation, to be made before and certified by any person, who, by the laws of this State, is duly authorized to administer the same; and shall pay to the Tax Department for the use of the State, a further tax, which, together with the tax theretofore paid upon taking out said license, shall aggregate a sum equal to twenty cents for every One Thousand Dollars (\$1,000.00) of the cost value of the commodities purchased in the period covered by said statement. In case any person not having been so engaged during the next year preceding, and desiring to engage in said wholesale business, beginning at a period subsequent to the first day of June, shall, before commencing said business or occupation, take out a fractional license which shall expire on the first day of June next after the date of its issuance, first paying to the Tax Department for the use of the State, the sum of Five Dollars (\$5.); and shall, on the first day of June next thereafter, file with the Tax Department, a true statement verified by oath or affirmation as aforesaid, of the cost value of the commodities purchased in said business during the period covered by said fractional license; and shall pay to the Tax Department, for the use of the State, a further tax, which together with the tax theretofore paid upon



taking out said fractional license, shall aggregate a sum equal to twenty cents (20¢) for every One Thousand Dollars (\$1,000.00) of the cost value of the commodities purchased in the period covered by the fractional license.

The provisions of this Section shall apply to all persons engaged in any of the businesses enumerated herein and to all taxes imposed upon them by law for the privilege of conducting or carrying on any of the businesses enumerated herein during the period commencing June 1, 1952 and ending May 31, 1953, so that all such taxes, whether paid or unpaid, payable on and after June 1, 1952, shall be computed and assessed on the basis set forth in this Section.

Any person engaged in any of the businesses enumerated in this Section who has not paid the tax due as provided herein for the period commencing June 1, 1952 and ending May 31, 1953 may do so on or before June 1, 1953 without the addition of any interest or the assessment of any penalties thereon; and any person engaged in any of the businesses enumerated in this Section who has heretofore paid a tax for the privilege of conducting or carrying on any of the businesses enumerated herein, due for the period commencing June 1, 1952 and ending May 31, 1953, in excess of the tax imposed under this Section, shall be entitled to a credit for the excess so paid, which shall be applied by the State Tax Department on any tax now due or hereinafter to become due to the State of Delaware from the person entitled to said credit.

Approved May 29, 1953.

## CHAPTER 100

## INCREASING MAXIMUM EMPLOYEES PENSION PAYMENTS

**AN ACT TO AMEND TITLE 29, DELAWARE CODE OF 1953, RELATING TO "STATE GOVERNMENT" BY INCREASING AND LIMITING THE MAXIMUM MONTHLY PAYMENT OF PENSIONS UNDER THE EMPLOYEES' PENSION PLAN.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 5523, Title 29, Delaware Code of 1953, is amended by striking out the sum "\$150" in line two of said section and substituting the sum "\$250".

Section 2. § 5523, Title 29, Delaware Code of 1953, is further amended by adding the following new sentence at the end of said section: "In the event a recipient of pension provided for within the provisions of this chapter shall also become or is a recipient of any retirement payments through State participation in the Federal Security program, the amount received by the recipient of such a program shall serve as a credit as against the increased maximum provided for in this section and in no instance shall the combined total amount of funds received by a recipient of pension from the pension plan and from the Federal social security plan exceed \$250.

Approved May 29, 1958.

## CHAPTER 101

FIXING WORK WEEK AND INCREASING NUMBER OF STATE POLICE

**AN ACT AMENDING CHAPTER 83, TITLE 11 OF THE DELAWARE CODE OF 1953 BY FIXING THE WORK WEEK FOR STATE POLICE; PROVIDING FOR THE EXPANSION OF THE POLICE FORCE; APPROPRIATION THEREFOR.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Subchapter I, Chapter 83, Title 11 Delaware Code of 1953 is amended by adding a new section thereto reading as follows:

**§ 8306. Work week**

The regular work week of all members of the State Police appointed by the Department shall consist of a 5 day, forty hour week, except at such times as the Highway Department, acting upon the specific recommendation of the Superintendent of State Police, may declare a longer regular work week during periods of special need.

Section 2. Section 1 of this Act shall become effective January 1, 1954.

Section 3. In addition to any other money appropriated to the State Highway Department there is appropriated the sum of Seventy-Two Thousand Dollars (\$72,000) for the fiscal year beginning July 1, 1953, and a further sum of Seventy-Nine Thousand Two Hundred Dollars (\$79,200) for the fiscal year beginning July 1, 1954.

Section 4. The monies hereby appropriated shall be used by the State Highway Department for an expansion of the State Police force of the Department up to a limit of one hundred and forty-four (144) men, in order to compensate for the short-

ened work week herein provided, and to insure that the various State Police stations, which have been staffed or serviced for twenty-four hours of each day, may be continued.

Section 5. The State Treasurer is directed to pay the funds hereby appropriated upon warrants signed by the proper officers of the State Highway Department.

Approved June 1, 1953.

## CHAPTER 102

AUTHORIZING STATE HIGHWAY DEPARTMENT TO CONDEMN LANDS  
IN KENT COUNTY TO ESTABLISH RECREATIONAL AREA

**AN ACT AUTHORIZING THE STATE HIGHWAY DEPARTMENT TO CONDEMN ONE ACRE OF GROUND MORE OR LESS ALONG EITHER OR BOTH SIDES OF THE HIGHWAY LEADING FROM MILFORD TO BIG STONE BEACH IN KENT COUNTY FOR THE PURPOSE OF ESTABLISHING A RECREATIONAL AREA.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The State Highway Department of the State of Delaware is hereby authorized, empowered and directed to condemn or procure one acre of land more or less, having a frontage of one hundred and fifty (150) feet on Delaware Bay, and a frontage of approximately two hundred and twenty-five (225) feet on the northerly side, being approximately seventy-seven one-hundredths ( $77/100$ ) of an acre, of the public road leading from Milford to Big Stone Beach in Kent County, State of Delaware, for the purpose of establishing a public park for recreational purposes under the supervision and control of the State Park Commission by erecting thereupon one suitable pavilion, one outdoor fireplace, sanitary lavatory conveniences, and a satisfactory well of water in order to create a public recreational area in the vicinity mentioned.

Section 2. A sum not in excess of sixty-five hundred dollars (\$6,500.00) is hereby appropriated for such purposes, and the State Treasurer is hereby directed to pay the same upon proper voucher drawn from time to time by the State Highway Department for purposes hereinbefore set forth. In the event that all or any part of said sum hereby appropriated is not expended for the purposes set out in this act by June 30, 1955, the same shall revert to the General Fund of the State Treasury.

Section 3. The condemnation or procurement of land shall be instituted by the State Highway Department within thirty days from the passage and approval of this Act and the con-

struction work and improvements shall be made thereupon as promptly after the condemnation or procurement of the land as is reasonably feasible and proper under all the circumstances.

Section 4. This Act shall be known as a supplementary appropriation and the moneys herein appropriated shall be paid out of the general funds of the State not otherwise appropriated.

Approved June 1, 1953.



## CHAPTER 103

## RELATING TO WITNESSES AND EVIDENCE

**AN ACT TO AMEND CHAPTER 43, TITLE 10 OF THE DELAWARE CODE OF 1953, RELATING TO WITNESSES AND EVIDENCE BY PROVIDING THE CONDITIONS BY WHICH OFFICIAL RECORDS AND PAPERS MAY BECOME EVIDENCE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 4308 of Title 10 of the Delaware Code of 1953, is amended to read as follows:

**§ 4308. Official records and papers as evidence**

A copy of any record, or paper belonging to any public office, or legally in the custody of any public officer, when certified to by the head or acting chief officer for the time being of that office, or when certified to by an officer in whose charge it is, shall be deemed to be duly certified and shall be competent evidence; "provided, however, that printed copies of schedules and classifications and tariffs of rates, fares and charges, and supplements thereto, filed with any federal regulatory commission, which show respectively the number assigned to them by such commission, which may be stated in abbreviated form, may be received in evidence without certification and shall be presumed to be correct copies of the original schedules, classifications, tariffs and supplements on file with such commission."

Approved June 2, 1953.

## CHAPTER 104

## RELATING TO INCOME TAX

**AN ACT TO AMEND CHAPTER 11 OF TITLE 30, DELAWARE CODE OF 1953 RELATING TO THE INCOME TAX AND APPROPRIATING FUNDS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1101, Chapter 11, Title 30, Delaware Code of 1953 is amended by striking out paragraph 4 thereof defining "Head of the family" and further by striking out the following words as they appear at the end of the definition of "net income":

"and as herein defined net income received by a person dependent upon another person for his chief support such as to entitle such other person to the exemption as head of family, shall be accounted and included in the return as net income of such other person."

Section 2. § 1101, Chapter 11, Title 30, Delaware Code of 1953 is amended so that the definition of "Taxable" shall read as follows:

"Taxable" means—

- (1) a natural person, including a minor, with a gross income of \$600 or more, who is a resident of the State of Delaware or who has been a resident of the State at any time during the income year;
- (2) each spouse, in the case of a married couple living together with a combined gross income of \$1200 or more;
- (3) a guardian of a resident of Delaware;
- (4) an executor or administrator of a deceased resident of Delaware;
- (5) a trustee, if but only to the extent that, the net income of the trust for the income year (i) is distributed or irrevocably

set aside for future distribution in whole or in part to a person who at any time during such income year was a resident of Delaware, and/or (ii) may be distributed in whole or in part to the creator of the trust upon the happening of some event or the exercise of any power which he reserved thereunder if at the time of creation of the trust and at any time during such income year he was a resident of Delaware;

(6) Any officer or employee of the State of Delaware or any political subdivision of Delaware;

(7) every natural person who is a non-resident of the State of Delaware if but only to the extent that such person received income during the taxable year as compensation for personal services rendered in the State of Delaware as an employee in the conduct of the business of an employer and/or to the extent that such person derived net profits from a profession, vocation, business, trade or commerce conducted in the State of Delaware.

Section 3. § 1101, Chapter 11, Title 30, Delaware Code of 1953 is amended so as to add the following definitions:

"Blind" means possessed of a central visual acuity not in excess of 20/200 in the better eye with correcting lens, or visual acuity greater than 20/200 but accompanied by a limitation in the fields of vision such that the widest diameter of the vision field subtends an angle no greater than 20 degrees;

"Dependent" means any person receiving his chief support from the taxable if such dependent person is under twenty years of age or is incapable of self-support because mentally or physically defective;

"Medical care" shall include the amounts paid for the diagnosis, cure, medication, treatment or prevention of disease or for the purpose of affecting any structure or function of the body (including amounts paid for accident or health insurance);

"Withholding agent" means and includes any individual, receiver, trustee, guardian, executor or administrator, institution, bank, firm, partnership, church, society, club, fraternity,

sorority, lodge, corporation, municipal corporation, or any other political subdivision of the State making payment of salaries, wages, pensions, fees, commissions and other compensation of whatever kind and in whatever form paid or credited to any taxable for personal services provided that such personal services were rendered as a regular employee in the conduct of the business of an employer in the State of Delaware;

"Compensation for personal services" means all remuneration for services performed by an employee including the fair market value of all remuneration paid in any medium other than cash and shall include salaries, wages, bonuses, pensions, fees and commissions.

Section 4. § 1111, Chapter 11, Title 30, Delaware Code of 1953 is amended to read as follows:

**§ 1111. Rates of tax**

There shall be levied, assessed, collected and paid annually by every taxable a tax on the net income of the preceding calendar year, subject to the exemptions hereinafter named, to be computed as follows:

One per cent of the amount of net income not in excess of \$3,000; two per cent of the amount of net income in excess of \$3,000 but not in excess of \$4,000; three per cent of the amount of net income in excess of \$4,000 but not in excess of \$6,000; four per cent of the amount of net income in excess of \$6,000 but not in excess of \$8,000; five per cent of the amount of net income in excess of \$8,000 but not in excess of \$100,000; six per cent of the amount of net income in excess of \$100,000.

Section 5. Subsection 13, § 1116, Chapter 11, Title 30, Delaware Code of 1953 is amended to read as follows:

(13) Amounts received as pensions from employers, the Government of the United States, the State of Delaware or any subdivision thereof; provided that this exclusion may not exceed \$2,000.

Section 6. § 1117, Chapter 11, Title 90, Delaware Code of 1953 is amended to read as follows:

**§ 1117. Personal exemptions and credits for dependents**

(a) There shall be allowed for the purpose of the income tax the following credits against net income:

(1) An exemption of \$600 for the taxable;

(2) An additional exemption of \$600 for the taxable if he has attained the age of 65 before the close of his income year; and,

(3) An additional exemption of \$600 for the taxable if he is blind at the close of his income year;

(4) An exemption of \$600 for each dependent other than husband or wife whose gross income for the calendar year in which the income year of the taxable begins is less than \$600 except that the exemption shall not be allowed in respect of a dependent who has made a joint return with his spouse under section 1163 of this title for the income year beginning in such calendar year.

(b) For the purposes of this title—

(1) The determination of whether an individual is married shall be made at the close of his income year, unless his spouse dies during his income year, in which case such determination shall be made as of the time of such death; and

(2) An individual legally separated from his spouse under a decree of divorce or separate maintenance, shall not be considered as married.

Section 7. § 1118, Chapter 11, Title 30, Delaware Code of 1953 is amended by striking out the whole of subsection (3) thereof and substituting in lieu thereof, the following:

(3) Taxes imposed upon and accrued or paid by the taxable, including Delaware liquor and gasoline taxes, within the

income year, except Delaware income tax, taxes assessed for local benefits of a kind tending to increase the value of the property assessed, and Federal Income Taxes in excess of \$300.

Section 8. § 1118 (5), Chapter 11, Title 30, Delaware Code of 1953 is amended so that the words "15 per cent" shall read "20 per cent".

Section 9. § 1118, Chapter 11, Title 30, Delaware Code of 1953 is amended by adding a new subsection (15) to read as follows:

(15) Expenses paid during the income year, not compensated for by insurance or otherwise, for medical care of the taxable, his spouse or a dependent.

(a) If neither the taxable nor his spouse has attained the age of 65 before the close of the income year, to the extent that such expenses exceed five per cent of the gross income; or

(b) If either the taxable or his spouse has attained the age of 65 before the close of the income year, (i) the amount of such expenses for the care of the taxable or his spouse; and, (ii) the amount by which such expenses for the care of such dependents exceed five per cent of the gross income. The determination of whether or not an individual is married at any time during the income year shall be made in accordance with the provisions of section 1117 (b).

Section 10. Subchapter II, Chapter 11, Title 30, Delaware Code of 1953 is amended by adding a new section entitled section 1120, to read as follows:

**§ 1120. Credit for income taxes paid to other states**

There shall be a credit against the tax paid under this chapter for income taxes paid to any state other than Delaware, or any political subdivision of any state other than Delaware, if a similar credit is allowed by said state or political subdivision for taxes imposed by this chapter; provided that no credit may be allowed under this section for taxes which the taxable has reported as a deduction under section 1118 of this chapter.

Section 11. § 1166, Chapter 11, Title 30, Delaware Code of 1953 is amended so that the figure "\$800" thereof shall read "\$600".

Section 12. Chapter 11, Title 30, Delaware Code of 1953 is amended by adding a new Subchapter VII to read as follows:

#### **SUBCHAPTER VII. WITHHOLDING OF INCOME TAX**

##### **§ 1191. Duties of withholding agent; exemption certificates**

For the quarterly period beginning July 1, 1953 and for each quarterly period thereafter, every withholding agent shall deduct, withhold and pay over to the State Tax Department on or before the last day of the month following the close of each quarterly period a tax computed according to the rates set out in section 1111 of this chapter on the compensation paid within each quarter for personal services of any taxable in excess of the exemptions and credits. For withholding purposes, every taxable shall be entitled to a personal exemption of Twelve Dollars (\$12) per week plus a credit of Twelve Dollars (\$12) per week for each dependent. The taxes shall be withheld on the basis of each payroll period, that is weekly, bi-weekly, semi-monthly or monthly, but if, in any case, there is no regularly specified payroll period, then such tax shall be withheld on a per diem basis. Every taxable from whose compensation a tax is to be withheld under this subsection shall file with the withholding agent on or before June 1, 1953, or if employed subsequent to June 1, 1953 at the time of employment, a signed exemption certificate on the form to be provided by the State Tax Department for that purpose indicating the number of exemptions and credits to which he is entitled under this chapter. The tax so withheld and paid by the withholding agent to the State Tax Department shall constitute payments on account of the tax imposed by section 1111 of this chapter and shall be allowed as a credit against the total tax on the return of the taxable from whose compensation such tax was withheld. Any amount withheld which is in excess of the total amount of tax, interest and penalties due under this chapter shall be refunded to the taxable in the manner provided in section 1183 of this chapter. Quarterly withholding returns shall be filed on the forms prescribed by the State Tax

Department for that purpose and shall be accompanied by a remittance of the withholding agent in payment of the amount of tax withheld during each quarterly period.

**§ 1192. Use of withholding tables**

At the election of the withholding agent with respect to any taxable, the withholding agent shall deduct and withhold from the compensation paid to such taxable, in lieu of the taxes required to be paid and withheld under section 1191 of this chapter, a tax to be determined in accordance with withholding tables to be furnished by the State Tax Department.

**§ 1193. Exemptions under withholding tables**

In computing the tax according to the tables set forth in section 1192 each taxable shall be entitled to one withholding exemption in his or her own right and shall be entitled to one (1) withholding exemption for each dependent.

**§ 1194. Personal liability of withholding agents; sums withheld deemed trust funds; penalties**

(a) Every withholding agent as herein defined who shall fail to withhold and/or pay to the State Tax Department any sums required by this chapter to be withheld and paid shall be personally and individually liable therefor to the State of Delaware; and any sum or sums withheld in accordance with the provisions of this chapter shall be deemed to be held by the withholding agent in trust for the State of Delaware.

(b) Whoever fails to make any return required by this subchapter to the State Tax Department, or fails to withhold and/or pay any tax required by this subchapter to the State Tax Department, shall be fined not more than One Hundred Dollars (\$100.00) or imprisoned not more than six (6) months, or both.

**§ 1195. Administrative expenses**

The Tax Department may retain out of the sums collected under this subchapter such amounts as it shall deem necessary to defray the expenses of administering and enforcing the duties prescribed by this subchapter provided that not more than \$25,000 per year shall be so retained.



**§ 1196. Receipts for employees**

(a) Every person required to deduct and withhold from an employee a tax under this subchapter shall furnish to each such employee in receipt of the compensation paid by such person to such employee during the calendar year, on or before January 31 of the succeeding year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of compensation is made, a written statement showing the following:

- (1) The name of such person,
- (2) the name of the employee,
- (3) the total amount of compensation paid,
- (4) the total amount deducted and withheld as tax under this subchapter.

(b) The statements required to be furnished by this section in respect to any compensation shall be furnished at such other times, shall contain such other information, and shall be in such form as the State Tax Department may by regulations prescribe. A duplicate of such statement as made and filed in accordance with the provisions of section 1166 of this chapter shall constitute the return required to be made in respect to such compensation under section 1166.

(c) The State Tax Department may grant to any person a reasonable extension of time (not in excess of 30 days), with respect to the statement required to be furnished under this section.

**§ 1197. Penalties for fraudulent statement or failure to furnish statement**

(a) In lieu of any other penalty provided by law (except the penalty provided by subsection (b) of this section), any person required under the provisions of section 1196 to furnish a statement, who wilfully furnishes a false or fraudulent statement, or who wilfully fails to furnish a statement in the manner, at the time, and showing the information required under section

1196, or regulations prescribed thereunder, shall for each such failure be subject to a civil penalty of \$50. Such penalty shall be assessed and collected in the same manner as the tax imposed by this chapter.

(b) In addition to the penalty provided in subsection (a) of this section, any person required under the provision of section 1196 to furnish a statement who wilfully furnishes a false or fraudulent statement, or who wilfully fails to furnish a statement in the manner, at the time, and showing the information required under section 1196, or regulations prescribed thereunder, shall for each such failure, upon conviction thereof, be fined not more than \$1,000 or imprisoned for not more than one year, or both.

Section 13. There is appropriated to the State Tax Department the sum of Ten Thousand Dollars (\$10,000.00), to enable the said State Tax Department to commence operations under this Act. The said sum of Ten Thousand Dollars (\$10,000.00) shall be in addition to all other moneys appropriated to the State Tax Department and shall be a supplementary appropriation, to be paid by the State Treasurer during the remainder of the fiscal year ending June 30, 1953, and during the fiscal year ending June 30, 1954, upon warrants of the State Tax Department out of any moneys in the General Fund not otherwise appropriated.

Section 14. Except as otherwise specifically provided in this act, the effective date of this act shall be January 1, 1953. All acts or parts of acts inconsistent with this Act are repealed to the extent of such inconsistency only; provided that Chapter 11, Title 30 of the Delaware Code of 1953 as it existed prior to this Act shall be continued in full force and effect as to all taxes, assessments, proceedings, suits and matters arising out of or in connection with returns required to be made for the year 1952 and all prior years and shall so continue until such time as all of said taxes, assessments, proceedings, suits and matters shall have been finally collected, determined or disposed of.

Approved June 2, 1953.

## CHAPTER 105

### RELATING TO EDUCATION

#### **AN ACT TO AMEND TITLE 14, DELAWARE CODE OF 1953, RELATING TO "EDUCATION" BY MODIFYING THE METHOD OF CALCULATING THE NUMBER OF UNITS OF PUPILS IN CERTAIN CASES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1703 of Title 14, Delaware Code of 1953 is amended by adding at the end of § 1703 the following additional paragraph:

"In the cases of exceptional children the following conditions for the calculation of the number of units shall prevail: classes for mentally handicapped, 1 unit for 15 children; classes for the socially and emotionally maladjusted, 1 unit for 15 children; classes for the partially sighted, 1 unit for 10 children; classes for orthopedically handicapped, 1 unit for 10 children; classes for the partially deaf or hard of hearing, 1 unit for 8 children. The number of children mentioned in this paragraph shall not be counted in any other calculation of units."

Approved June 4, 1953.

## CHAPTER 106

## RELATING TO EDUCATION

**AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE OF 1953 RELATING TO "EDUCATION" BY PROVIDING FOR THE PAY OF PUBLIC SCHOOL TEACHERS DURING THEIR ABSENCE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 122, Title 14, Delaware Code of 1953, is amended by adding at the end of sub-section (12) the following: "or for a death in the immediate family, or for educational activities approved by the State Board of Education."

Approved June 4, 1953.

CHAPTER 107

APPROPRIATION

BOARD OF BOILER RULES

**AN ACT TO APPROPRIATE MONEY TO THE BOARD OF  
BOILER RULES FOR THE PURPOSE OF DEFRAYING  
OFFICE AND TRAVEL EXPENSES OF THE SAID  
BOARD FOR THE FISCAL YEAR ENDING JULY 1,  
1953.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. The sum of Six Hundred and Forty Dollars (\$640.00) be and the same is hereby appropriated to the Board of Boiler Rules for the sole purpose of defraying office and travel expenses of the said Board incurred and to be incurred during the present fiscal year ending July 1, 1953.

Section 2. This act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the general funds of the State Treasury, not otherwise appropriated.

Approved June 4, 1953.

## CHAPTER 108

## RELATING TO STATE FORESTRY DEPARTMENT

**AN ACT TO AMEND CHAPTER 29, TITLE 7, DELAWARE CODE OF 1953 RELATING TO THE STATE FORESTRY DEPARTMENT REVISING THE COOPERATIVE AUTHORITY THEREOF.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2905, Title 7, Delaware Code of 1953, is amended by striking out all of § 2905 and substituting the following:

**§ 2905. State agency to cooperate with individuals; public agencies; United States Government**

The State Forestry Department is the agency of the State assigned plenary authority and responsibility in public forestry functions, in the conduct of which it may cooperate with individuals and public agencies including agencies of the United States in programs concerned with;

(1) The protection of forest lands from fire, disease and insect damage including the application of control measures therefor,

(2) Establishing forest growth on denuded or non-forested lands,

(3) Aiding private forest land owners, operators and processors of primary forest products in applying desirable woodland improvement, management and harvesting practices,

(4) Forest resource research, education and surveys, and

(5) Public recreation

Approved June 4, 1953.

## CHAPTER 109

## AMENDING CHARTER OF CITY OF WILMINGTON

**AN ACT TO AMEND SECTION 40 OF THE CHARTER OF THE CITY OF WILMINGTON, AS AMENDED, BY CHANGING THE TERM OF OFFICE OF THE CITY SOLICITOR AND HIS ASSISTANTS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House thereof concurring therein):*

Section 1. Section 40, Chapter 207, Volume 17, Laws of Delaware, as amended, is further amended by striking out all of said section and inserting in lieu thereof the following:

Section 40. On the first day of July, 1953, and at the same time every fourth year thereafter, the Mayor shall appoint a City Solicitor who shall hold his office for the term of four years and until his successor is duly appointed and qualified. The person so appointed City Solicitor must be an attorney and counselor of the Superior Court of the State of Delaware, who shall have been admitted to practice therein at least three years prior to his appointment, and shall also be a Solicitor in the Court of Chancery. The Council of the Mayor and Council of Wilmington shall have the authority to fix the salary of the City Solicitor for a sum not to exceed Five Thousand Dollars (\$5,000) per annum, (payable in the same manner as other city officers are paid). The City Solicitor shall appoint two Assistant City Solicitors who shall hold office at the pleasure of the City Solicitor and perform such duties as shall be required of them by said City Solicitor. (a) The City Solicitor shall have power to discharge said Assistants at any time, and his acts in this regard shall not be questioned. Such Assistants shall receive a salary to be fixed by the Council, (b) payable in the same manner as other city officers are paid. The Council shall have power by ordinance to increase his salary. In addition to his other powers, the City Solicitor is hereby authorized to compel the attendance of witnesses and the production of books and papers at his office at any time, and to administer oaths and affirmations to witnesses at any time or in any place, for the purpose of securing informa-

tion relative to his duties as prosecuting officer of the Municipal Court, and for violations of any laws or ordinances affecting or concerning said City. Subpoenas and attachments for the attendance of such witnesses and the production of such books and papers shall be signed by the City Solicitor and shall be served by any police officer. Any false answer to statement given in such a case shall be deemed perjury and punishable accordingly. The costs in such cases shall be paid by the Clerk of the Municipal Court in the same manner as the costs of proceedings in said Court are paid.

Section 2. This Act shall take effect and be in force from and after its passage and approval.

Approved June 4, 1953.



## CHAPTER 110

## AMENDING CHARTER OF CITY OF WILMINGTON

**AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON AS AMENDED BY CHANGING THE TERM OF OFFICE OF THE MAYOR AND OTHER ELECTED CITY OFFICERS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House thereof concurring therein):*

Section 1. Section 6, Chapter 207, Volume 17, Laws of Delaware, as amended by Section 1, Chapter 177, Volume 24, Laws of Delaware, and also as amended by Chapter 194, Volume 26, Laws of Delaware, is further amended to read as follows:

Section 6. At the City election to be held on the first Saturday in June, 1953, and on the same day in every fourth year thereafter, the qualified voters of the City of Wilmington shall vote for a Mayor who shall be elected by a plurality of all the votes cast in the several election districts. The Mayor shall hold office for the term of four years commencing on the first day of July next succeeding his election. The salary of the Mayor shall be fixed by the Council of the Mayor and Council of Wilmington.

Section 2. Section 29, Chapter 207, Volume 17, Laws of Delaware, as amended by Section 3, Chapter 177, Volume 24, Laws of Delaware, as amended, is further amended to read as follows:

Section 29. On and after the first day of July, 1953, the Council shall consist of a President of Council and twelve other members. At the City election to be held on the first Saturday in June, 1953, and every fourth year thereafter, there shall be elected, a President of Council and twelve members of Council, for the term of four years commencing on the first day of July next succeeding said election. The President of the Council shall be the presiding officer, and a member of said Council and shall be elected from the City at large by a plurality of all the votes cast in the several election districts of the City. One member of Council shall be elected from each Ward of the City by a plurality of all the votes cast therein.

Section 3. Section 32, Chapter 207, Volume 17, Laws of Delaware, as amended by Section 4, Chapter 177, Volume 24, Laws of Delaware, as amended, is further amended to read as follows:

Section 32. At the City election to be held on the first Saturday in June, 1953, and on the same day in every fourth year thereafter, the voters in the respective election districts shall vote for a City Treasurer, who shall be elected by a plurality of all the votes cast in the several election districts in the City. The City Treasurer shall hold office for the term of four years, commencing on the first day of July next succeeding his election. On and after the first day of August, 1953, the City Treasurer shall appoint a clerk for his office, to be known as City Treasurer's Clerk, who shall hold office at the pleasure of the City Treasurer. The City Treasurer shall have power to discharge said Clerk at any time, and his acts in this regard shall not be questioned. The Council shall have power by ordinance to fix the salary of such Clerk.

Section 4. Section 1, Chapter 119, Volume 28, Laws of Delaware, is amended to read as follows:

Section 1. There shall be elected at the City election in the year 1953 and every fourth year thereafter, by the qualified voters in the Districts herein described, two Collectors of Taxes for the City of Wilmington, for the term of four years each, or until their successors are elected and qualified, said term to begin on the first day of July following their election, one of whom shall reside in and be voted for and elected in and for that portion of the City North of Sixth Street, and who shall be known as "The Collector of Taxes for the Northern District of the City of Wilmington", and the other in and for that portion of the City South of Sixth Street and who shall be known as "The Collector of Taxes for the Southern District of the City of Wilmington". Whenever a street is named as a boundary in this section, the center thereof shall be understood.

Section 5. This Act shall take effect and be in force from and after its passage and approval.

Approved June 4, 1953.

## CHAPTER 111

## AMENDING CHARTER OF CITY OF WILMINGTON

**AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON, AS AMENDED, BY PROVIDING THE POWER OF VETO IN THE MAYOR WITH RESPECT TO ALL RULES AND REGULATIONS ENACTED OR ADOPTED BY ANY BOARD, COMMISSION OR DEPARTMENT OF SAID CITY HAVING THE EFFECT OF LAW AND NOT FOR THE INTERNAL ADMINISTRATION OR FOR THE MANAGEMENT OF THE AFFAIRS OF SAID BOARD, COMMISSION OR DEPARTMENT, AND PROVIDING A MEANS FOR THE ADOPTION OF SUCH RULES OR REGULATION OVER SUCH VETO.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members of each Branch thereof concurring therein):*

Section 1. On and after the passage of this Act, no rule or regulation enacted or adopted by any Board, Commission or Department of The Mayor and Council of Wilmington having the effect of law, and being other than a rule or regulation for the internal administration or for the management of the affairs of said Board, Commission or Department, shall become effective until such rule or regulation shall receive the written approval of the Mayor, unless the Mayor shall neglect or refuse to act upon said rule or regulation for a space of thirty days after the same shall have been forwarded to him, in which case the said rule or regulation shall at the end of said period become effective as though it had been approved by the Mayor.

Should the Mayor not approve such rule or regulation, he shall within thirty days after the same has been forwarded to him, return it to the Board, Commission or Department which adopted it, and shall in writing set forth his objections thereto. Thereafter, the Board, Commission or Department shall, at its next regular meeting, after the return of said rule or regulation, enter the objections at large in its journal and proceed to reconsider it. If, upon such reconsideration said rule or regulation shall be again adopted and by the vote of all of the members of

said Board, Commission or Department, they shall within two weeks of said adoption transmit the same to the Council for its consideration.

The Council shall thereafter consider said rule or regulation in the same manner as a proposed ordinance, and if, after a third and final reading thereof, said rule or regulation shall receive the affirmative vote of two-thirds of all members elected to Council, the same shall without further submission to the Mayor, become a rule or regulation of the Board, Commission or Department which first adopted the same.

Approved June 4, 1953.

## CHAPTER 112

PROVIDING FOR ESTABLISHMENT OF RECREATIONAL FACILITIES

**AN ACT TO AMEND TITLE 9, DELAWARE CODE OF 1953 ENTITLED "COUNTIES" BY AUTHORIZING LEVY COURTS TO ESTABLISH COUNTY PARK AND RECREATION COMMISSIONS AND SUBURBAN PARK COMMUNITIES FOR THE DEVELOPMENT, EQUIPPING, IMPROVING AND MAINTAINING OF PARKS, AND OTHER RECREATIONAL FACILITIES AND ACTIVITIES; AND TO CARRY ON RECREATIONAL PROGRAMS; AUTHORIZING AND REGULATING THE ISSUANCE OF COUNTY BONDS TO FINANCE SUCH PROJECTS AND PROVIDING FOR THE PAYMENT OF SUCH BONDS AND THE RIGHTS OF THE HOLDERS THEREOF.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 9, Delaware Code of 1953 is amended by adding the following new chapter thereto;

**CHAPTER 6. SUBURBAN PARKS AND RECREATION  
SUBCHAPTER I. GENERAL PROVISIONS**

**§ 601. Purpose**

The purpose of this chapter is to provide a procedure whereby the people of various unincorporated communities may establish and maintain parks and other recreational facilities and pay for the same through county bonds the interest on and principal of such bonds to be collected by taxation of the community benefited.

**§ 602. Definitions**

As used in this chapter—

"Clerk of the Levy Court" means the Clerk of the Peace of the County in which other suburban park community is situated;

"Commission" means the County Park and Recreation Commission;

"Legal voter" means every citizen resident in a proposed or existing suburban park community, who would be entitled at the time of holding an election hereunder to register and vote in any election district of which a proposed or existing suburban park community is a part at a general election, if such general election were to be held at the time of any election under this chapter whether or not he is at that time a registered voter.

"Levy Court" means the Levy Court of the county in which the suburban park community is situated;

"Park or recreation area" means any area of real estate located within or reasonably near the suburban park community suitable for the promotion of the health and recreation of the residents of the suburban community;

"Suburban park community" means any unincorporated community within the State (1) containing at least fifty dwellings, and (2) which, in the opinion of the Levy Court is so situated as to form a unit which is reasonably, equitably and economically capable of being improved by the addition of a park or recreation area located reasonably near such suburban park community.

#### **§ 603. Tax exemption of parks and recreation areas**

All land and property which shall be held, laid out and used for any park or recreation area or which shall be purchased or acquired for such use or purpose under the provisions of this chapter shall be forever free from State and County taxation so long as used for such purposes.

### **SUBCHAPTER II. COUNTY PARK AND RECREATION COMMISSIONS**

#### **§ 610. Creation; membership; terms; qualifications; vacancy**

(a) The Levy Court of any County may establish a permanent County Park and Recreation Commission.

(b) The Commission shall consist of five members all of whom shall be residents of the county for a period of three years immediately preceding their appointments and only three of whom shall be affiliated with the same political party. One member shall be recommended by the State Board of Education; one in New Castle County shall be a member of the New Castle County Regional Planning Commission; and the remainder shall be members at large. All appointments shall be made by the Levy Courts of the respective counties.

(c) One member shall be appointed for a term of one year, one for two years, one for three years, one for four years, and one for five years. Thereafter the terms of each shall be five years.

(d) Vacancies occurring by other than by expiration of term shall be filled in the same manner as original appointments. This commission shall be appointed within ten days of the filing of the first petition under this chapter.

#### **§ 611. Organization; officers**

Within 10 days after the Commission has been appointed the members thereof shall meet and elect a chairman. The chairman shall be elected by the vote of a majority of all the members and shall serve for a period of one year or until his successor is elected.

#### **§ 612. Powers and duties**

The commission shall provide, maintain, develop and promote recreational areas, facilities and programs throughout the county in which it is situate for the areas forming suburban park communities. The Commission may employ such experts, trained personnel, staff, and if and when four or more suburban park communities are established as hereinafter provided, a director of recreation, as the funds provided therefor may permit. It may also employ such supervisors and provide for such recreational promotion as the funds provided under section 654 hereof may permit. It may initiate, adopt and direct, or cause to be conducted a comprehensive program of recreation in schools and parks or other lands and buildings either publicly or privately

owned and it may buy, sell, acquire or make use of all equipment necessary for such a program as the funds provided therefor may permit. It shall generally supervise, plan and maintain a program of recreation. The Commission may use parks, playgrounds or park areas or any other lands or buildings for recreational purposes.

The Commission shall use all expert advice and information available from the State, Federal, or other officials, departments and agencies, and shall furnish other agencies, including incorporated communities in the County, the information available.

**§ 613. Compensation; expenses**

The members of the Commission shall serve without compensation but shall be paid the necessary expenses incurred in the performance of their duties.

**§ 614. Rules and regulations**

Subject to the approval of the Levy Court, the Commission may adopt such rules and regulations for the administration of its park and recreation programs as it deems necessary and proper.

**§ 615. Office space**

The Levy Court shall furnish suitable and appropriate office space for the Commission.

**SUBCHAPTER III. FORMATION OF SUBURBAN PARK  
COMMUNITY AND ELECTION**

**§ 625. Petition to Levy Court; who may petition; contents**

Fifty freeholders resident in a proposed suburban park community may present a petition to the Levy Court to submit the question of organizing a suburban park community to a vote of electors residing in that community. Each such petition when presented shall have attached as a part thereof a description of the proposed suburban park community and a map drawn to scale showing the boundaries of the proposed suburban park community together with the limits of any area which may be



included in the community, and a drawing showing the proposed park layout and the extent of the park or recreation area and the nature of improvements, if any, proposed for the park or recreation area.

**§ 626. Study of suburban park community plan by commission; hearings; notice; recommendations to Levy Court**

(a) Promptly upon the filing of a prescribed petition, the Levy Court shall adopt a resolution requesting the Commission to make a study of the suburban park community and make its recommendations to the Levy Court concerning the area to be included in the suburban park community and the boundaries and location of such park or recreation area.

(b) The Commission shall upon receipt of a request from the Levy Court, hold at least one public hearing on a proposed suburban park community plan. Notice of such hearing shall be published at least fifteen days before the date of the hearing in a newspaper of general circulation in the said community and be posted in not less than four conspicuous public places in the proposed suburban park community. The notice shall contain the time and place of hearing, and shall specify the place and times at which the proposed suburban park community plan showing the proposed park layout and the extent of the park and recreation area and the nature of the improvements to be made, may be examined. Such notice shall also contain a description of the boundaries of the proposed suburban park community. All interested persons, residents, voters, tax payers, property owners or other persons or corporations in any way affected by the granting of such petition shall be heard on any question with respect to the location of the boundaries of the suburban park community and the proposed suburban community park plan and whether all real property included in the proposed suburban park community will be benefited by the carrying out of such plan. For the purpose of any of its public hearings under this chapter, the Commission shall have power to summon witnesses, administer oaths, and compel the giving of testimony. The recommendation of the Commission shall be submitted to the Levy Court within thirty days from passage of said resolution by the Levy Court.

(c) The Commission may upon its own motion and without having received a request from the Levy Court, and without a petition having been filed, proceed to hold a public hearing as hereinabove provided and may submit to the Levy Court the recommendation of the Commission for establishment of a suburban park community and the making of improvements therein.

**§ 627. Determination of status by Levy Court**

Within fifteen days after receipt by the Levy Court of the recommendations of the Commission as hereinbefore provided, the Levy Court shall meet and consider the evidence and testimony given at the hearing before the Commission and the recommendation of such Commission and determine whether a proposed community is a suburban park community as provided in section 602 of this title and whether said community should be improved by the addition of a park or recreation area, and determine what shall be the boundaries of the suburban park community and that it is in the public interest to establish such suburban park community and that all real property included within its boundaries will be benefited by the construction of the proposed park layout and the establishment of the proposed park or recreation area and the making of the improvements proposed to be made therein.

**estimates**

**§ 628. Preparation of surveys, plans, specifications and**

Immediately after the determination by the Levy Court that a community is a suburban park community, the Levy Court shall notify the Commission, which, upon receipt of such information, shall proceed to have prepared surveys, plans, specifications and estimates of the cost of the park or recreation area, and improvements requested by the petitioners.

**§ 629. Limitation on cost of park and improvements**

If the estimated total cost submitted by the Commission shall exceed 5 per cent of the total assessed value of all real property and improvements in said suburban park community, as reflected by the books of the Board of Assessment for the County, then the Levy Court shall not be authorized to proceed under this chapter.

**§ 630. Election to approve suburban park community and authorize bond issue**

(a) Upon the submission by said Commission to the Levy Court of complete plans, specifications and estimates covering said park or recreation area and improvements, the Levy Court shall proceed to set a date for an election at which all legal voters resident in the community may vote, on the question whether the Levy Court should proceed to issue bonds in the manner hereinafter provided, in an amount sufficient to finance the cost for the acquisition of such park or recreation area and of the improvements contemplated. Said election shall be held no less than twenty days and no more than thirty days after the submission of said plans and specifications and estimates to the Levy Court.

(b) For the purpose of determining whether the persons offering to vote at such election possess the necessary qualifications, the officers conducting such election shall inquire of every person offering to vote, his name, whether he is a native born or naturalized citizen, his place of residence and the length of time of his residence in the proposed or existing suburban park community in which such election is being conducted, in the County in which such proposed or existing suburban park community is located and in the State.

**§ 631. Notice of election**

Notice of the time and place of such election shall be published at least fifteen (15) days before the date of election in a newspaper of general circulation in the proposed suburban park community and be posted at not less than four (4) conspicuous public places in the proposed suburban park community. The notice shall state that the purpose of the election is to determine whether a majority of the legal voters resident in said community is in favor of the issuance of bonds by the Levy Court to cover the total cost for the acquisition of the park or recreation area and of the improvements contemplated. The notice shall also set forth the total cost for the acquisition of the park or recreation area and a brief description of the proposed improvements and the total amount of the proposed bond issue.

**§ 632. Place of holding election; times; manner of voting**

The election shall be held at such place in the proposed suburban park community as the Levy Court shall designate and the polls shall be open from nine o'clock A. M. to seven-thirty o'clock P. M. of the day of election. The voting shall be by printed ballot, which shall give the voter an opportunity clearly to indicate his consent or objection to the issuance of bonds for the improvements contemplated. A majority of votes cast shall decide the matter. The Clerk of the Levy Court shall act as Judge of the Election.

**§ 633. Tabulating votes; certificate of result**

Promptly after the holding of the election, the Judge of Election shall tabulate the ballots and certify the results to the Levy Court under his hand and seal. The ballots shall be retained in the safekeeping of the Levy Court for one year before being destroyed.

**§ 634. Formation of suburban park community by Levy Court**

Upon approval by the election the Levy Court shall immediately establish a suburban park community and notify the Commission of such community.

**SUBCHAPTER IV. COUNTY BONDS; ASSESSMENTS  
AND COSTS****§ 650. Bonds; power of Levy Court to issue; terms**

(a) The Levy Court may issue bonds of the County to finance the cost of acquiring and constructing such recreational and park facilities. Said bonds shall bear interest at a rate which shall not exceed three per centum per annum and the income therefrom shall not be subject to State taxation. Each issue of said bonds shall be payable within thirty years after date of the bonds of such issue. The reasonable expenses of issuing such bonds shall be deemed a part of the cost of acquisition and construction of such park and recreation facilities. The full faith and credit of New Castle County shall be pledged to the payment of such bonds and the interest thereon.

(b) The Levy Court shall advertise said bonds for sale in at least two issues each of two newspapers, one of which shall be of general circulation in the City of Wilmington, Delaware, and one of which shall be published in the City of New York, inviting bids for the same. The advertisements shall state the total amount of the proposed issue, the denominations of said bonds, the place of payment of said bonds and interest, the place and date of opening said bids, and the conditions under which said bonds are to be sold. Said Levy Court may give notice of the sale of said bonds in such other manner as it may decide.

(c) The Levy Court may require each bid for said bonds to be accompanied by a certified check in the amount of the bid, and after the bonds are awarded or sold to the successful bidder or bidders therefor, the Levy Court shall return to the unsuccessful bidder or bidders the certified check or checks submitted with the bid or bids.

(d) The Levy Court shall have the right to reject any and all bids, but in awarding the sale of said bonds, or any of them, they shall be sold to the person, persons, firm or corporation which, in the judgment of the Levy Court, offers the most advantageous terms. Said bonds shall not be offered for sale until the attorney for the Levy Court has submitted his opinion in writing that the bonds will, when duly sold, executed, delivered and paid for, be validly issued in accordance with the provisions of this chapter.

(e) The Levy Court shall direct and effect the preparation and printing of the bonds authorized by this chapter, fix the rate of interest, and shall prescribe the form of said bonds and the coupons for the payment of interest thereto attached. Said bonds shall state the conditions under which they are issued. The coupons and face amount thereof shall be payable at the branch of the Farmers Bank of Delaware in the County where said bonds are issued. Said bonds shall be signed by the presiding officer of the Levy Court, countersigned by the Clerk of the Peace, and sealed with the official seal of the Levy Court.

#### § 651. Special sinking fund

The Levy Court shall promptly deposit all funds received from the Receiver of Taxes from the collection of the taxes

levied pursuant to the provisions of section 654 of this chapter, in a special account, which shall be used for no other purpose than the retiring of the bonds and interest accruing thereon, and for maintaining and improving the parks or recreation areas of the suburban park community, and paying the necessary expenses of the suburban park community including all costs of supervision and recreational promotion.

#### **§ 652. Cancellation of bonds**

The Levy Court may adopt such procedure as it deems proper in cancelling said bonds when paid.

#### **§ 653. Payment and retirement of bonds**

Prior to the time of the retirement of the bonds, or any of them, or the time when interest shall become payable thereon, the Levy Court shall make available sufficient funds in the branch of the Farmers Bank where the principal and interest are payable, to cover the retirement of such bonds or the payment of interest thereon.

#### **§ 654. Assessment**

(a) The Levy Court shall levy a tax for each fiscal year which shall be sufficient to provide funds adequate to reimburse the County for moneys expended or to be expended in such fiscal year in retiring the bonds which have been issued and in paying interest due on the same, and in maintaining or improving the suburban park community, and in paying the necessary general expenses of such community, including all costs of supervision and recreational promotion.

(b) The rate of such tax shall be stated in terms of a certain rate on every one hundred dollars of assessed valuation, and a tax at such rate shall be levied on all the real property within the boundaries of such suburban park community listed in the Assessment List prepared by the Board of Assessment of the County for such fiscal year, and in accordance with the valuation of such property as stated in such Assessment List. No tax shall be levied upon any property which is not now subject to taxation and assessment for county or municipal purposes.

An assessment list to be known as "Suburban Park Community Assessment List" showing the tax levied shall be prepared and shall be delivered to the Receiver of Taxes of the County together with a tax collection warrant in the form prescribed by section 8005 of this title and said tax shall be collected by such Receiver of Taxes in the same manner as are other county taxes.

**§ 655. Costs of parks, improvements and maintenance**

The cost of acquiring, improving and maintaining of any park or recreation area under the provisions of this chapter and making the necessary improvements thereon shall be paid by the owners of the real estate in the suburban park community as hereinbefore provided.

**SUBCHAPTER V. ACQUISITION, IMPROVEMENT AND  
MAINTENANCE OF PARK AREAS**

**§ 670. Acquisition of land for parks; title and ownership; gifts**

(a) The Levy Court may take or acquire by condemnation in accordance with law, agreement, purchase or gift, lands located within the County outside of the corporate limits of any city or town and not already devoted to a public purpose or used by a public utility in its service of the public as may seem to the Levy Court suitable for park and recreational purposes and necessary to meet the requirements of this chapter. Title and ownership of such lands, however acquired, shall be vested in the State of Delaware for the use of the County.

(b) Gifts of land, buildings or money may be accepted for specific maintenance or establishment of park and recreational areas.

**§ 671. Contracts for improvements; competitive bids**

(a) The Commission shall proceed to arrange for the contracts for the required improvements. The letting of contracts for improvements shall be upon a competitive basis pursuant

to public advertisement of the intention of the Levy Court to receive sealed proposals for the work on said improvements. All contracts shall be entered into and acquisitions shall be made by the Levy Court.

(b) It shall be a term of each contract that 10 per cent of all payments due shall be withheld until final certification by the Commission that the work has been satisfactorily completed, in compliance with the contract.

**§ 672. Awarding of contracts; procedure**

Upon the opening of the sealed proposals, the Levy Court, after consultation with the Commission, shall award said contracts, but no contract shall be awarded to any other than the lowest bidder except with the unanimous approval of the members of the Levy Court and the recommendation of the Commission, and provided the Court shall set down in its minutes the reason or reasons for granting the contract to the person other than the lowest bidder. As a condition of the letting of the contracts, the Levy Court shall require the successful bidder to enter into a bond for the faithful performance of such contract. The Levy Court shall have the power to reject all bids.

**§ 673. Supervision by Commission; duty to maintain; payment procedures**

(a) After the awarding of the contracts, all work performed under this chapter shall be under the direct supervision and direction of the Commission.

(b) The Commission shall be responsible for the maintenance of such parks and recreation areas and shall submit approved bills for such maintenance to the Levy Court for payment.

(c) The bills for recreation and recreational promotion including salaries and equipment shall be approved by the Commission and submitted to the Levy Court for payment.



## **SUBCHAPTER VI. REVISION OF SUBURBAN PARK COMMUNITY**

**§ 680. Revision of established suburban park community; expansion and alteration of park or recreation areas; notice; additional funds**

(a) Where the Levy Court has already established a suburban park community hereunder, then, the Commission may, upon its own motion, and without having received a request from the Levy Court, and without a petition having been filed, proceed to hold a public hearing on the question whether the area included in the suburban park community should be enlarged or whether the layout of any park or recreational area therein shall be expanded, improved or altered. Such public hearing shall be held and notice thereof shall be published and posted, and the Commission shall make a recommendation, in the manner prescribed by section 626 of this chapter.

(b) Within fifteen days after the receipt by the Levy Court of the recommendation of the Commission, as hereinbefore provided, the Levy Court shall meet and determine whether or not it is in the public interest to enlarge such suburban park community and what shall be its boundaries, and whether all the real property included therein will be benefited by such enlargement and by such expansion, improvement or alteration of the layout of the park or recreational area therein. Such improvements may be made and bonds may be issued to finance the cost thereof in the manner and subject to the conditions prescribed in sections 628, 629, 630, 631, 632, 633 and 650 of this chapter.

Section 2. No provision of this Act shall be construed as intending to confer upon the Levy Court or any Park Commission or Commissioner established or appointed by said Levy Court any power or authority to acquire by condemnation or otherwise, or to exercise in any manner any power or authority over any lands now owned, or which may at any future time be owned by any incorporated city or town of this State, and which lands now lay or may lay outside of the corporate limits of such town or municipality.

Approved June 8, 1953.

## CHAPTER 113

## RELATING TO HARNESS RACING COMMISSION

**AN ACT TO AMEND CHAPTER 5, TITLE 28, DELAWARE  
CODE OF 1953 ENTITLED "SPORTS AND AMUSE-  
MENTS" BY REPEALING THE LIMITATIONS OF THE  
EXPENDITURES OF THE COMMISSION.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 509, Title 28, Delaware Code of 1953 is re-  
pealed.

Approved June 11, 1953.

CHAPTER 114

RELATING TO WEIGHT OF BUSHEL OF CORN ON COB

**AN ACT TO AMEND CHAPTER 53, TITLE 6, DELAWARE CODE OF 1953, ENTITLED "STANDARDS FOR SPECIFIC PRODUCTS" BY CHANGING THE WEIGHT OF BUSHEL OF CORN ON THE COB.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 5313, Title 6, Delaware Code of 1953 is amended by repealing the second sentence thereof which reads as follows:

"If corn on the cob is sold prior to December 15 next after it has matured, the bushel shall consist of seventy-two (72) pounds."

Section 2. § 5313, Title 6, Delaware Code of 1953 is further amended by substituting the word "seventy" for the word "sixty-eight" where it appears in line 4 of said section.

Approved June 11, 1953.

## CHAPTER 115

## APPROPRIATION

PROVIDING FOR PROTECTION OF BEACH OPPOSITE  
SLAUGHTER BEACH**AN ACT TO PROVIDE FOR PROTECTING THE BEACH OR  
STRAND OPPOSITE THE TOWN OF SLAUGHTER  
BEACH, IN SUSSEX COUNTY, DELAWARE, FROM  
EROSION AND INUNDATION; APPROPRIATION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The State Highway Department is directed to erect, build, rebuild, replace and repair such groins, jetties, banks, dikes or bulkheads along the beach or strand opposite and near the Town of Slaughter Beach, in Sussex County, Delaware, as may be necessary to protect the same from erosion or inundation by the waters of the Delaware Bay.

Section 2. A sum not in excess of Fifteen Thousand Dollars (\$15,000.00) is appropriated to the State Highway Department for such purposes and the State Treasurer is directed to pay the same upon proper vouchers drawn by the State Highway Department.

Section 3. In the event that any part of said sum of Fifteen Thousand Dollars (\$15,000.00) shall remain unexpended on June 30, 1953, or on June 30, 1954, it shall not revert to the General Fund of the State Treasury but shall remain available for said purposes up to and including June 30, 1955.

Section 4. This Act shall be known as a Supplementary Appropriation Act and the moneys hereby appropriated shall be paid out of the General Fund of the State Treasury, not otherwise appropriated.

Approved June 11, 1953.

## CHAPTER 116

## APPROPRIATION

PROVIDING FOR A PUMPING SYSTEM AT SILVER LAKE, REHOBOTH

**AN ACT APPROPRIATING MONEYS TO THE STATE HIGHWAY DEPARTMENT FOR THE PURPOSE OF INSTALLING A PUMPING SYSTEM AT SILVER LAKE AT REHOBOTH TO MAINTAIN THE SALINE WATER CONTENT AT A SUFFICIENT AMOUNT SO THAT ITS VALUE AS A GAME AND WILD FOWL REFUGE WILL BE PRESERVED.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The State Highway Department of the State of Delaware is directed to purchase and install a pumping system to pump salt water from the Lewes and Rehoboth Canal into Silver Lake located at Rehoboth, Delaware, for the purpose of maintaining the saline water content of said lake at a sufficient amount so as to help to eliminate the growth of certain weeds and fungi which now prevent this lake from continuing as a proper game and wild fowl refuge.

Section 2. The sum of Thirteen Thousand Dollars (\$13,000.00) is appropriated for the purposes stated and the State Treasurer is directed to pay the amount appropriated upon proper vouchers drawn by the State Highway Department.

Section 3. The State Highway Department shall without delay proceed to carry into effect the purposes of this Act and the sum hereby appropriated shall remain available for said purposes until the purposes of this Act have been fully carried out.

Section 4. This bill shall be known as a Supplementary Appropriation Act and the moneys hereby appropriated shall be paid out of the General Fund of the State Treasury from sums not otherwise appropriated.

Approved June 11, 1953.

## CHAPTER 117

## REDUCING THE PERIOD FOR PROBATING WILLS

**AN ACT TO AMEND CHAPTER 13, TITLE 12, DELAWARE CODE OF 1953, RELATING TO THE PROBATE OF WILLS BY REDUCING FROM ONE YEAR TO SIX MONTHS THE PERIOD AFTER THE PROOF OF A WILL DURING WHICH ANY INTERESTED PERSON HAS A RIGHT OF REVIEW.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1310, Title 12, Delaware Code of 1953, is amended by substituting the words "six months" for the words "one year" in the first sentence of said section.

Approved June 11, 1953.

## CHAPTER 118

### RELATING TO SMALL LOANS

**AN ACT TO AMEND CHAPTER 21, TITLE 5, DELAWARE CODE OF 1953, RELATING TO SMALL LOANS BY INCREASING FROM TWENTY-FIVE DOLLARS (\$25.00) TO FIFTY DOLLARS (\$50.00) THE REGISTRATION FEE REQUIRED OF AN APPLICANT FOR A CERTIFICATE OF REGISTRATION TO TRANSACT THE BUSINESS OF MAKING SMALL LOANS OR OF LOANING MONEY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2102, Title 5, Delaware Code of 1953, is amended by substituting the words and figures "Fifty Dollars (\$50.00)" for "\$25" wherever the same appear in the said section.

Approved June 11, 1953.

CHAPTER 119

RELATING TO FEES CHARGED BY BANK COMMISSIONER

**AN ACT TO AMEND CHAPTER 1, TITLE 5, DELAWARE CODE OF 1953, RELATING TO THE STATE BANK COMMISSIONER BY INCREASING THE FEES FOR EXAMINATIONS MADE BY THE STATE BANK COMMISSIONER.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 127, Title 5, Delaware Code of 1953, is amended by substituting the words "four cents" for the words "three cents" in the fourth line thereof and by substituting the words and figures "Fifty Dollars (\$50.00)" for "\$35" in the sixth line thereof.

Approved June 11, 1953.



CHAPTER 120.

RELATING TO BANKS AND TRUST COMPANIES

**AN ACT TO AMEND CHAPTER 7, TITLE 5, DELAWARE CODE OF 1953, RELATING TO BANKS AND TRUST COMPANIES BY REDUCING THE MINIMUM PAR VALUE OF CAPITAL STOCK OF A BANK ORGANIZED UNDER TITLE 5, CHAPTER 7, FROM TWENTY-FIVE DOLLARS (\$25.00) TO TEN DOLLARS (\$10.00).**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 746, Title 5, Delaware Code of 1953, is amended by substituting the words and figures "Ten Dollars (\$10.00)" for the figures "\$25" in the first sentence of said section.

Approved June 11, 1953.

## CHAPTER 121

## RELATING TO BANKS AND TRUST COMPANIES

**AN ACT TO AMEND CHAPTER 7, TITLE 5, DELAWARE CODE OF 1953, RELATING TO BANKS AND TRUST COMPANIES BY CHANGING THE LOWER LIMIT TO WHICH PAR VALUE OF THE STOCK OF A BANK OR TRUST COMPANY MAY BE REDUCED BY AMENDMENT OF ITS CHARTER OR CERTIFICATE OF INCORPORATION FROM TWENTY-FIVE DOLLARS (\$25.00) TO TEN DOLLARS (\$10.00).**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 749 (b), Title 5, Delaware Code of 1953, is amended by substituting the words and figures "Ten Dollars (\$10.00)" for "\$25" wherever the same appear in said subsection.

Approved June 11, 1953.

CHAPTER 122

PERMITTING SALE OF SOFT DRINKS WITH ARTIFICIAL  
SWEETENERS

**AN ACT AMENDING CHAPTER 43, TITLE 16, DELAWARE  
CODE OF 1953, BY PERMITTING THE SALE OF CER-  
TAIN SOFT DRINKS WITH ARTIFICIAL SWEETENERS  
TO DIABETICS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 4312, Title 16, Delaware Code of 1953, is  
amended to read as follows:

**§ 4312. Artificial sweeteners**

Except for the use of sorbitol, sucryl, mannitol or calcium cyclamate in soft drinks sold to diabetics, the use of saccharine, dulcin, glucin and other artificial sweeteners is prohibited. Bottles containing sucryl and calcium cyclamate must have a label bearing the following words — "Caution — over use of this product may cause diarrhea".

Approved June 11, 1953.

## CHAPTER 123

RELATING TO APPROPRIATIONS TO STATE HIGHWAY  
DEPARTMENT

**AN ACT TO PROVIDE THAT ANY UNUSED FUNDS APPROPRIATED FOR MAINTENANCE AND CONSTRUCTION TO THE STATE HIGHWAY DEPARTMENT IN THE BUDGET APPROPRIATION ACT FOR THE BIENNIUM ENDING JUNE 30, 1955 SHALL BE CREDITED BY THE STATE TREASURER FOR THE USE OF THE STATE HIGHWAY DEPARTMENT FOR THE PURPOSES FOR WHICH THEY WERE ORIGINALLY APPROPRIATED.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The monies appropriated for maintenance and construction to the State Highway Department in the General Appropriation Act for each of the fiscal years ending June 30, 1954, and June 30, 1955, which shall remain unexpended at the end of the respective fiscal years shall be credited by the State Treasurer for the use of the said State Highway Department for the purposes for which they were originally appropriated.

**Approved June 11, 1953.**

## CHAPTER 124

### RELATING TO BANKING

#### **AN ACT TO AMEND TITLE 5, DELAWARE CODE OF 1953, ENTITLED "BANKING" BY CORRECTING AN ERROR IN THE CODE IN RESPECT TO BANK DIRECTORS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 742 (b), Title 5, Delaware Code of 1953 is amended to read as follows:

(b) No person shall be a director of a corporation organized under the provisions of this chapter unless he is a stock holder of record either in his own right or as trustee or guardian of another, holding unpledged stock therein of an aggregate par value of not less than \$1,000.

No person shall be eligible for election as a director of any bank or trust company not organized under this chapter unless such person be a share holder in his own right, or as trustee or guardian of another.

Any person elected to be a director, who, after such election, shall cease to be a share holder as required in this subsection, or who shall hypothecate or in any way pledge his stock shall immediately become disqualified as a director.

The provisions of this subsection shall not apply to the State Directors of the Farmers' Bank of the State of Delaware, nor to the directors of any corporation not organized under this chapter whose charter is not compatible with the provisions of this subsection.

Approved June 11, 1953.

## CHAPTER 125

RELATING TO APPROPRIATIONS TO STATE HIGHWAY  
DEPARTMENT

**AN ACT TO PROVIDE THAT ANY UNUSED FUNDS OUT OF THE APPROPRIATION TO THE STATE HIGHWAY DEPARTMENT IN THE BUDGET APPROPRIATION BILL FOR THE BIENNIUM ENDING JUNE 30, 1953 SHALL REVERT TO THE GENERAL FUND AT THE END OF THE FISCAL YEAR ENDING JUNE 30, 1953 EXCEPT CERTAIN FUNDS APPROPRIATED FOR MAINTENANCE AND CONSTRUCTION WHICH SHALL REMAIN CREDITED BY THE STATE TREASURER TO THE SAID DEPARTMENT FOR MAINTENANCE AND CONSTRUCTION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The monies appropriated to the State Highway Department in the Budget Appropriation Bill for the fiscal year ending June 30, 1953, which shall remain unexpended at the end of said fiscal year, shall revert to the General Fund of the State Treasury with the exception of balances of such funds appropriated for maintenance and construction, which shall remain unexpended at the end of the said fiscal year ending June 30, 1953 shall be credited by the State Treasurer for the use of the said State Highway Department for the purposes for which they were originally appropriated.

Approved June 11, 1953.

## CHAPTER 126

## RELATING TO BANKS AND TRUST COMPANIES

**AN ACT TO AMEND TITLE 5, DELAWARE CODE OF 1953,  
RELATING TO CORPORATION LAW FOR STATE BANKS  
AND TRUST COMPANIES, BY PROVIDING FOR THE  
MERGER, CONSOLIDATION AND CONVERSION OF  
NATIONAL AND STATE BANK AND TRUST COM-  
PANIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 7, Title 5, Delaware Code of 1953, is amended by adding thereto a new subchapter to read as follows:

**SUBCHAPTER V. MERGER, CONSOLIDATION AND CON-  
VERSION OF NATIONAL AND STATE BANK  
AND TRUST COMPANIES**

**§ 781. Definitions**

As used in this subchapter

"Bank" means a state or a national bank.

"Continuing bank" means a merging bank, the charter of which becomes the charter of the resulting bank.

"Converting bank" means a bank converted from a state to a national bank, or the reverse.

"Merger" includes consolidation.

"Merging bank" means a party to a merger.

"National bank" means a national bank association located in this State.

"Resulting bank" means the bank resulting from a merger or conversion.

"State bank" means a bank or trust company chartered under the laws of this State.

**§ 782. Resulting national bank**

(a) Nothing in the laws of this State shall restrict the right of a state bank to merge with or convert into a resulting national bank. The action to be taken by such merging or converting state bank and its rights and liabilities and those of its stockholders shall be the same as those prescribed for national banks at the time of the action by the laws of the United States and not by the laws of this State, except that a vote of the holders of two-thirds of each class of voting stock of a state bank shall be required for the merger or conversion, and that on conversion by a state into a national bank the rights of dissenting stockholders shall be those specified in section 788 of this Title.

(b) Upon the completion of the merger or conversion, the certificate and charter of any merging or converting state bank shall automatically terminate.

(c) A resulting national bank shall be considered the same business and corporate entity as each merging bank or as the converting bank with all the property, rights, powers, duties and obligations of each merging bank or the converting bank, except as affected by the federal law and by the charter and by-laws of the resulting bank.

**§ 783. Resulting state bank**

Upon written approval by the Board of Bank Incorporation and by the State Bank Commissioner banks may be merged to result in a state bank, or a national bank may convert into a state bank as hereafter prescribed, except that the action by a national bank shall be taken in the manner prescribed by and shall be subject to limitations and requirements imposed by the laws of the United States which shall also govern the rights of its dissenting stockholders.

**§ 784. Pre-merger procedure; resulting state bank**

(a) The board of directors of each merging state bank shall, by a majority of the entire board, approve a merger agreement which shall contain:

(1) The name of each merging bank and location of each office;



(2) With respect to the resulting bank: (i) its name and the location of the principal and of each additional office which shall not be at places other than pre-existing offices of any merging bank; (ii) the name and residence of each director to serve until the next annual meeting of the stockholders; (iii) the name and residence of each officer; (iv) the amount of capital, the number of shares and the par value of each share; (v) whether preferred stock is to be issued and the amount, terms, and preferences; (vi) the designation of the continuing bank, the charter of which is to be the charter of the resulting bank, together with the amendments to the continuing charter and to the continuing by-laws;

(3) Provisions governing the manner of converting the shares of the merging banks into shares of the resulting state bank;

(4) A statement that the agreement is subject to approval by the Board of Bank Incorporation, the State Bank Commissioner and by the stockholders of each merging bank;

(5) Provisions governing the manner of disposing of the shares of the resulting state bank not taken by dissenting stockholders of merging banks; and

(6) Such other provisions as the Board of Bank Incorporation and the State Bank Commissioner may require to enable them to discharge their duties with respect to the merger.

(b) After approval by the board of directors of each merging state bank, the merger agreement shall be submitted to the Board of Bank Incorporation with a copy thereof to the State Bank Commissioner for approval, together with certified copies of the authorizing resolutions of each board of directors showing approval by a majority of the entire board and evidence of proper action by the board of directors of any merging national bank.

(c) Within thirty (30) days after receipt by the Board of Bank Incorporation of the papers specified in subsection (a) of this section, the Board and the Commissioner shall approve

or disapprove the merger agreement, and if no action is taken, the agreement shall be deemed approved. The Board and the Commissioner shall approve the agreement if it appears that:

(1) The resulting state bank meets the requirements of state law as to the formation of a new state bank;

(2) The agreement provides an adequate capital structure, including surplus, in relation to the deposit liabilities of the resulting state bank and its other activities which are to continue or are to be undertaken;

(3) The agreement is fair; and

(4) The merger is not contrary to the public interest.

(d) If either the Board of Bank Incorporation or the State Bank Commissioner disapprove an agreement, it or he shall state the objections thereto and give an opportunity to the merging banks to amend the merger agreement to obviate such objections.

#### **§ 785. Merger procedure; resulting state bank**

Following the approval of the merger agreement both in substance and in form by the Board of Bank Incorporation and by the State Bank Commissioner, the procedure for a merger which is to result in a state bank and the legal effect of any such merger (except as regards the rights of dissenting stockholders to payment for their shares) and the manner of making and effecting the same shall be as prescribed in Chapter 1 of Title 8 for the merger or consolidation of two or more corporations organized under the provisions of that chapter.

#### **§ 786. Conversion of national into state banks**

(a) Except as provided in section 789 of this title, a national bank located in this State which follows the procedure prescribed by the laws of the United States to convert into a state bank may be granted a State charter if the Board of Bank Incorporation and the State Bank Commissioner find that each office of the national bank is legally in operation, that the result-

ing state bank will have an adequate capital structure, including surplus, in relation to its deposit liabilities and its other activities, not less than the capital structure required for a new state bank and that the officers and directors of the resulting bank are persons of sound judgment and discretion.

(b) The national bank may apply for such charter by filing with the Board of Bank Incorporation and with the State Bank Commissioner—

(1) a certificate signed by its president and cashier and by a majority of the entire board of directors, setting forth the corporate action taken in compliance with the provisions of the laws of the United States governing the conversion of a national to a state bank; and

(2) the plan of conversion and the proposed articles of incorporation, approved by the stockholders, for the operation of the bank as a state bank.

#### **§ 787. Use of old name**

A resulting bank shall have the right to use the name of any merging bank or of the converting bank whenever it deems it more convenient to do so.

#### **§ 788. Dissenting stockholders**

(a) The owner of shares of a state bank (other than the continuing bank), which were voted against a merger to result in a state bank, or against the conversion of a state bank into a national bank, shall be entitled to receive their value in cash, if and when the merger or conversion becomes effective, upon written demand, made to the resulting state or national bank at any time within thirty (30) days after the effective date of the merger or conversion accompanied by the surrender of the stock certificates. The value of such shares shall be determined, as of the date of the stockholders' meeting approving the merger or conversion, by three appraisers, one to be selected by the owners of two-thirds of the shares involved, one by the board of directors of the resulting state or national bank, and the third by the two so chosen. The valuation agreed upon by any

two appraisers shall govern. If the appraisal is not completed within ninety (90) days after the merger or conversion becomes effective the State Bank Commissioner shall cause an appraisal to be made.

(b) The expenses of appraisal shall be paid by the resulting state bank.

(c) The resulting state or national bank may fix an amount which it considers to be not more than the value of the shares of a merging or the converting bank at the time of the stockholders' meeting approving the merger or conversion, which it will pay dissenting shareholders of that bank entitled to payment in cash. The amount due under such accepted offer or under the appraisal shall constitute a debt of the resulting state or national bank.

#### **§ 789. Trust powers**

Where a resulting state bank is not to exercise trust powers, neither the Board of Bank Incorporation nor the State Bank Commissioner shall approve a merger or conversion until satisfied that adequate provision has been made for successors to fiduciary positions held by the merging banks or the converting bank.

#### **§ 790. Non-conforming assets or business**

If a merging or converting bank has assets which do not conform to the requirements of state laws for the resulting state bank or carries on business activities which are not permitted for the resulting state bank, the Board of Bank Incorporation and the State Bank Commissioner may permit a reasonable time to conform with state law.

#### **§ 791. Book value of assets**

Without approval by the State Bank Commissioner no asset shall be carried on the books of the resulting bank at a valuation higher than that on the books of a merging or converting bank at the time of its last examination by a state or national bank examiner before the effective date of the merger or conversion.

Approved June 11, 1953.

## CHAPTER 127

## RELATING TO BANKS AND TRUST COMPANIES

**AN ACT TO AMEND CHAPTER 7, TITLE 5, DELAWARE CODE OF 1953, RELATING TO BRANCH OFFICES OF BANKS AND TRUST COMPANIES, BY PROVIDING THAT UNIFORM REQUIREMENTS FOR THE OPENING OF A BRANCH OFFICE SHALL APPLY TO ALL BANKS AND TRUST COMPANIES; REQUIRING THAT APPLICATIONS FOR THE OPENING OF A BRANCH OFFICE SHALL STATE THE EXACT LOCATION OF THE INTENDED BRANCH AND THE NECESSITY FOR ITS OPENING; LIMITING THE PERIOD OF VALIDITY OF A CERTIFICATE OF THE STATE BANK COMMISSIONER PERMITTING THE OPENING OF A BRANCH OFFICE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 770, Title 5, Delaware Code of 1953, is amended to read as follows:

**§ 770. Branch office**

(a) Any bank or trust company, if authorized by its charter, may open a branch office or place of business, or branch offices or places of business in this State, upon application submitted to and approved by the Board of Bank Incorporation and upon the issuance of a certificate of authority of the State Bank Commissioner. The application shall state the exact location of the intended branch office and the necessity for its opening and the Board shall inquire into the matter, and if it deems that the public convenience will be served thereby and that there is good and sufficient reason that the corporation should have the branch office, the Board shall issue its written permission for the opening of the branch office. No certificate of authority shall be issued by the Commissioner unless he shall be satisfied that the applicant has a paid-in capital stock of at least Twenty-five Thousand Dollars (\$25,000.00) for each office or place of business then established by the applicant in this State and for each branch sought to be established and a surplus

of at least Twenty-five Thousand Dollars (\$25,000.00) for each office or place of business then established by the applicant in this State and for each branch sought to be established. Any certificate of authority issued by the Commissioner shall be void and of no effect at the expiration of six (6) months after date of issue, unless the branch is actually opened for business. Unavoidable delay in opening the branch, due to construction problems or controls, or other matters beyond the control of the parent company, may be taken into consideration, and the Commissioner may extend the certificate for periods of thirty (30) days in the event of such circumstances.

A fee of Fifty Dollars (\$50.00) for every such certificate shall be required by the Commissioner before issuing the same.

(b) Nothing in this section contained shall deny any bank or trust company the right to continue a branch office or branch offices if such branch office or branch offices shall have been actually established prior to the first day of January, 1934, and business continuously conducted thereat since such establishment.

Approved June 11, 1953.

## CHAPTER 128

### RELATING TO BANK ADVISORY BOARD

#### **AN ACT TO AMEND CHAPTER 3, TITLE 5, DELAWARE CODE OF 1953, RELATING TO THE BANK ADVISORY BOARD BY INCREASING THE MILEAGE REIMBURSEMENT PROVIDED FOR MEMBERS OF THE BANK ADVISORY BOARD.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 302, Title 5, Delaware Code of 1953, is amended by striking out the first sentence of said section and inserting in lieu thereof a new sentence, to read as follows: "Members of the Board shall receive reimbursement for necessary expenses incurred in the discharge of their duties, including mileage at the rate provided for in section 7102 of Title 29, and in addition Ten Dollars (\$10.00) for each day, or part thereof, spent in the performance of duty."

Approved June 11, 1953.

## CHAPTER 129

## RELATING TO STATE BANK COMMISSIONER

**AN ACT TO AMEND CHAPTER 1, TITLE 5, DELAWARE CODE OF 1953, RELATING TO THE STATE BANK COMMISSIONER BY RELIEVING THE STATE BANK COMMISSIONER OF HIS AUTHORITY TO REPORT AN INSUFFICIENT PROPORTION OF ASSETS IN CASH OR READILY CONVERTIBLE SECURITIES IN ANY BANK OR TRUST COMPANY TO THE GOVERNOR AND TO THE PRESIDENT OF THE DELAWARE BANKERS ASSOCIATION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 129, Title 5, Delaware Code of 1953, is amended by striking out the last sentence of the first paragraph thereof.

Approved June 11, 1953.



CHAPTER 130  
APPROPRIATION  
ELLEN JOHNS

**AN ACT TO APPROPRIATE CERTAIN MONIES TO ELLEN  
JOHNS IN PAYMENT OF THE CLAIM OF SAID ELLEN  
JOHNS AGAINST THE STATE OF DELAWARE.**

WHEREAS, Ellen Johns was employed as a school teacher at the Louis L. Redding Jr. High School in Middletown during the school year 1947-1948, and

WHEREAS, the said Ellen Johns completed her training for a bachelor's degree at the end of January, 1948, and

WHEREAS, because the school authorities did not know of the completion of her training, her salary was not increased at that time although she was entitled to such increase, and

WHEREAS, the increase to which she was entitled would have resulted in a total payment of \$197.50 more than she actually received for the said school year, NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The State Treasurer is directed to pay to Ellen Johns \$197.50 in payment of the unpaid salary claim recited above.

Section 2. This is a supplementary appropriation bill and the money hereby appropriated shall be paid out of the General Fund of the State of Delaware.

Approved June 12, 1953.

## CHAPTER 131

## APPROPRIATION

## FOR IMPROVEMENTS AT WELFARE HOME

**AN ACT MAKING AN APPROPRIATION TO THE BOARD OF  
WELFARE IN ORDER TO MAKE CERTAIN CAPITAL  
IMPROVEMENTS AT THE STATE WELFARE HOME.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of One Hundred Ten Thousand Dollars (\$110,000) or so much thereof as may be necessary is appropriated to the Department of Welfare for the following capital improvements to the State Welfare Home:

- |  |          |
|--|----------|
| 1. Electric panel, new feeders, 3 transformers<br>and general work ..... | \$30,000 |
| 2. Boiler Plant  |          |
| Oil tank—20,000 gallon, buried .....                                     | 3,000    |
| Internal piping Power House .....  | 6,000    |
| Chemical feed pump .....   | 1,000    |
| Boiler feeder .....  | 1,500    |
| Incidental connections .....   | 1,500    |
| 3. Work on old boilers .....   | 8,000    |
| 4. Engineer's fees .....   | 6,000    |
| 5. Sewage Disposal Plant .....   | 50,000   |
| Sewer lines .....  | 3,000    |

Section 2. The money hereby appropriated shall be paid from time to time by warrants signed by the authorized officers of the Department of Welfare and approved by the Auditor of Accounts. All or any part of the monies hereby appropriated, which shall remain unexpended at the end of the biennium ending June 30, 1955, shall revert to the General Fund of the State Treasury.

Section 3. This act shall be known as a supplementary appropriation act and the money hereby appropriated shall be paid out of the General Fund of the State of Delaware.

Approved June 12, 1953.

## CHAPTER 132

## DEFICIENCY APPROPRIATION

## STATE TAX DEPARTMENT

**AN ACT MAKING A DEFICIENCY APPROPRIATION TO THE  
STATE TAX DEPARTMENT FOR THE FISCAL YEAR  
ENDING JUNE 30, 1953.**

WHEREAS, the tremendous amount of work entailed in the audit of income tax returns for the year 1950 under the temporary gross income tax law made it necessary to increase the audit staff to try to complete the making of refunds within the statutory period provided by law, April 30, 1953; and

WHEREAS, about 32,000 refunds will have to be made, of which 27,000 were made up to February 28, 1953; and

WHEREAS, the largest number of income tax refunds previously made in any one year totaled 10,000; and

WHEREAS, Chapter 344, Volume 48, Laws of Delaware, 1951 provided an appropriation of only \$4,000.00 per year for carrying into effect the coverage of certain officers and employees of the political subdivisions of the State under the Old Age and Survivors Insurance provisions of the Federal Social Security Act; and

WHEREAS, the inadequacy of this appropriation contributed substantially to the present deficiency; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of nine thousand, nine hundred and five dollars (\$9,905.00) is appropriated to the State Tax Department as an emergency fund to provide funds with which to meet the present payroll for the remainder of the fiscal year ending June 30, 1953.

Section 2. This is a supplementary and deficiency appropriation bill and the funds hereby appropriated are to be paid out of the State Treasury from funds not otherwise appropriated. Any of the funds appropriated herein that are not expended during the fiscal year June 30, 1953 will revert to the general fund of the State.

Approved June 12, 1953.

# CHAPTER 133

## APPROPRIATION

### RICHARDSON PARK ELEMENTARY JUNIOR HIGH SCHOOL

#### **AN ACT TO APPROPRIATE MONEY TO THE BOARD OF SCHOOL TRUSTEES OF THE RICHARDSON PARK ELEMENTARY JUNIOR HIGH SCHOOL FOR THE PURPOSE OF PAYING FOR OPERATING EXPENSES DURING THE FISCAL YEAR ENDING JUNE 30, 1953.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of twenty-one hundred dollars (\$2,100.00) is appropriated to the Board of School Trustees of the Richardson Park Elementary Junior High School as a deficiency appropriation for the purpose of paying operating expenses of the Richardson Park Elementary Junior High School for the fiscal year ending June 30, 1953.

Section 2. This shall be known as a deficiency appropriation and the funds hereby appropriated are to be paid out of the General Fund of the State Treasury from funds not otherwise appropriated. Any of the funds appropriated herein that are not expended during the fiscal year ending June 30, 1953, will revert to the General Fund of the State.

Approved June 12, 1953.

## CHAPTER 134

## APPROPRIATION

## ABSALOM JONES SCHOOL

**AN ACT TO APPROPRIATE MONEY TO THE BOARD OF  
SCHOOL TRUSTEES OF THE ABSALOM JONES SCHOOL  
FOR THE PURPOSE OF DEFRAYING OPERATIONAL  
COSTS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. The sum of \$1,398.91 is appropriated to the Board of School Trustees of the Absalom Jones School as a deficiency appropriation to defray operational costs during the present fiscal year ending June 30, 1953.

Section 2. This shall be known as a deficiency appropriation and the funds hereby appropriated are to be paid out of the General Fund of the State Treasury from funds not otherwise appropriated. Any of the funds appropriated herein that are not expended during the fiscal year ending June 30, 1953, will revert to the General Fund of the State.

Approved June 12, 1953.

## CHAPTER 135

## DEFICIENCY APPROPRIATION

## LEWES SPECIAL SCHOOL BUILDING COMMISSION

**AN ACT TO APPROPRIATE CERTAIN FUNDS TO THE  
LEWES SPECIAL SCHOOL BUILDING COMMISSION TO  
MEET A DEFICIENCY.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. There is hereby appropriated to the Lewes Special School Building Commission the sum of one thousand five hundred ninety-seven dollars and ninety-two cents (\$1,597.92) to cover the following deficiency for which funds are inadequate—

J. A. Bader & Co., Inc. .... \$1,597.92

to cover the cost of water proofing, involving nine hundred seven dollars and ninety-two cents (\$907.92) and fixing floor, involving six hundred ninety dollars (\$690.00).

Section 2. This is a supplementary and deficiency appropriation and the moneys herein appropriated shall be paid out of the general fund of the State of Delaware.

Approved June 12, 1953.

## CHAPTER 136

## REQUIRING REGISTRATION OF COMMUNISTS

**AN ACT REQUIRING COMMUNISTS AND MEMBERS OF COMMUNIST FRONT ORGANIZATIONS TO REGISTER, PROVIDING FOR THE ENFORCEMENT OF THE ACT AND SETTING FORTH CRIMINAL PENALTIES FOR VIOLATIONS THEREOF.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The "Communist Party", for the purpose of this Act, is any organization which is substantially directed, dominated or controlled by the Union of Soviet Socialist Republics or by any of its satellites, or which in any manner advocates, or acts to further, the world Communist movement.

Section 2. A "Communist Front Organization", for the purpose of this Act, is any organization which is listed as such by the Attorney General of the United States.

Section 3. A "Communist" is a person who:

(a) Is a member of the Communist Party, notwithstanding the fact that he may not pay dues to, or hold a card in, said party; or

(b) Knowingly contributes funds or any character of property to the Communist Party; or

(c) Commits or advocates the commission of any act reasonably calculated to further the overthrow of the Government of the United States of America, the Government of the State of Delaware, or the government of any political subdivision of either of them, by force or violence; or

(d) Commits or advocates the commission of any act reasonably calculated to further the overthrow of the Government of the United States, the Government of the State of Delaware, or the government of any political subdivision of either



of them, by unlawful or unconstitutional means, and the substitution of a Communist Government or a government intended to be substantially directed, dominated or controlled by the Union of Soviet Socialist Republics or its satellites.

Section 4. (a) Each person entering this State who is a Communist or is a member of a Communist Front Organization, shall register immediately with the State Police of the State of Delaware. Each person who is a resident of the State of Delaware and who is a Communist or is a member of a Communist Front Organization, shall register with the State Police of the State of Delaware within thirty (30) days after this law goes into effect and thereafter between the first and fifteenth day of January in each and every year.

(b) Such registration shall be under oath and shall set forth the name (including any assumed names used or in use), address, business, occupation, purpose of presence in the State of Delaware, sources of income, place of birth, places of former residence, and features of identification, including fingerprints, of the registrant; organizations of which registrant is a member and any other information requested by the State Police which is relevant to the purposes of the Statute.

(c) Each and every officer in the Communist Party residing in the State of Delaware and each and every officer of Communist Front Organizations residing in the State of Delaware shall register or cause to be registered said party or organization with the State Police. Such registration shall be under oath and shall include the name of the organization, the location of its principal office and of its offices and meeting places in the State of Delaware; the names, real and assumed, of its officers; a financial statement reflecting receipts and disbursements and by whom and to whom paid; and any other information requested by the State Police which is relevant to the purposes of this Statute.

Such registration shall be made within thirty (30) days after the effective date of this Statute, and thereafter between the first and fifteenth days of January in each and every year.

(d) Failure to register as herein required, or the making of any registration which contains any material false statement or omission, shall constitute a felony and shall be punishable by a fine of not less than One Thousand Dollars (\$1,000.00), or more than Ten Thousand Dollars (\$10,000.00), or by imprisonment of not less than two (2) or more than ten (10) years, or by both.

Section 5. The Attorney General of the State of Delaware, and all law enforcement officers of this State, shall each be charged with the duty of enforcing the provisions of this Statute.

Section 6. If any section, subparagraph, sentence, phrase, part or application of this Statute shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining portions hereof, and the Legislature hereby declares that it would have enacted such remaining portions notwithstanding any holding of unconstitutionality with respect to any other portions of this Statute.

Section 7. This Statute is cumulative of all existing laws and does not repeal any such laws.

Section 8. This Act may be cited as the "Delaware Communist Registry Law".

Approved June 12, 1953.

## CHAPTER 137

### RELATING TO STATE EMPLOYEES' PENSION PLAN

**AN ACT TO FURTHER AMEND CHAPTER 55, TITLE 29, DELAWARE CODE OF 1953, AS AMENDED BY HOUSE BILL NO. 198 ENACTED BY THE GENERAL ASSEMBLY AT THE 117TH SESSION, AND RELATING TO THE DATES APPLICABLE TO VOLUNTARY SEVERANCE OF EMPLOYMENT UNDER THE STATE EMPLOYEES' PENSION PLAN.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 5501, Chapter 55, Title 29, Delaware Code of 1953, as amended by House Bill No. 198 enacted by the 117th Session of the General Assembly of the State of Delaware, is hereby further amended by striking out the date "December 7, 1941", as it appears in subsection (4) of said § 5501, and substituting therefor the date "January 1, 1938".

Approved June 12, 1953.

## CHAPTER 138

RELATING TO FISH IN WATERS OTHER THAN DELAWARE  
RIVER AND BAY

**AN ACT TO AMEND CHAPTER 11, TITLE 7, DELAWARE  
CODE OF 1953 RELATING TO FISH IN WATERS OTHER  
THAN DELAWARE RIVER AND DELAWARE BAY;  
PROHIBITED FISHING DEVICES AND SUBSTANCES.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 1111, Chapter 11, Title 7, Delaware Code of 1953 is amended by adding at the end thereof a new paragraph to read as follows:

Nothing in this Section shall prohibit the Board of Game and Fish Commissioners and its authorized agents from employing fish suffocants, shockers and similar devices and materials for fish management and scientific purposes; provided written consent is obtained from owners of privately owned waters, or in the event such owners cannot be located, after a reasonable search, then only after notice thereof is published at least two times in a newspaper of general circulation in the County where the waters are located and a period of thirty (30) days has expired since the first publication of such notice, and not even then if the owners are located and object.

Approved June 18, 1953.

## CHAPTER 139

## APPROPRIATION

## STATE BOARD OF HEALTH FOR X-RAY SURVEY

**AN ACT APPROPRIATING FUNDS TO THE STATE BOARD OF HEALTH FOR THE PURPOSE OF PARTICIPATING IN A STATE WIDE VOLUNTARY CHEST X-RAY SURVEY.**

WHEREAS, studies done by the United States Public Health Service indicate the need for an intensified case-finding chest X-ray survey in the State of Delaware; and

WHEREAS, the Delaware State Medical Society, the Delaware Anti-Tuberculosis Society, the Welfare Council of Delaware, the City of Wilmington Board of Health, and the State Board of Health have endorsed the proposed chest X-ray survey for all persons in the State fifteen (15) years of age or over; and

WHEREAS, the Governor called on March 7, 1953 a Conference on Tuberculosis Control which was attended by nearly 400 people; and

WHEREAS, the persons attending this conference unanimously agreed that a chest X-ray survey was needed; and

WHEREAS, a steering committee selected at the Governor's Conference on Tuberculosis Control has planned and formed an organization called "DELAWARE STATE WIDE CHEST X-RAY SURVEY INCORPORATED" to plan and carry out the actual work; and

WHEREAS, the United States Public Health Service has obligated itself to furnish eighteen (18) X-ray units with the technical staff necessary to operate them; NOW, THEREFORE

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is appropriated to the State Board of Health to be used only for the purpose of carrying out a state-

wide chest X-ray survey the sum of Forty-Six Thousand Dollars (\$46,000).

Section 2. The funds hereby appropriated shall be utilized by the State Board of Health for any purpose pertinent to the carrying out of the State Chest X-ray Survey and shall be paid out by the State Treasurer upon proper vouchers presented by the State Board of Health to which the said funds have been appropriated.

Section 3. This Act shall be known as a supplementary appropriation bill and the funds hereby appropriated shall be available upon the signature of the Governor and shall be paid out of the General Fund of the State Treasury from funds not otherwise appropriated. Any of the funds appropriated herein which are not expended by December 31, 1954 will revert to the General Fund of the State.

Approved June 18, 1953.

## CHAPTER 140

## DEFICIENCY APPROPRIATION

## BLADES SCHOOL DISTRICT

**AN ACT MAKING A DEFICIENCY APPROPRIATION TO  
BLADES SCHOOL DISTRICT NO. 172 AT BLADES,  
DELAWARE.**

WHEREAS, the Blades School at Blades, Delaware, recently moved from an old and dilapidated wooden structure into a newer building, and

WHEREAS, in making the transition from the old building to the new there has been incurred some additional expense which was impossible to preanticipate, and

WHEREAS, certain heating and lighting adjustments have had to be made in the new building; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. That the sum of one thousand five hundred fourteen dollars and ninety-six cents (\$1,514.96) is appropriated to Blades School District No. 172 at Blades, Delaware, as a deficiency and supplementary appropriation to take care of the following estimates of expenditure required to run the school until June 30, 1953.

Bills already submitted to State Board of Education, Business Mgr's Office that are unpaid for lack of funds (fuel, etc.) .....	\$ 458.00
Bills for services already rendered but as yet not submitted to Business Mgr's Office .....	258.44
For library and textbooks already ordered but held in suspension, for lack of funds, pending an ap- propriation .....	278.41
For janitorial supplies: mops, brooms, cleaner, polish, light bulbs, toilet tissue, hand towels, water hose, tools for caring for shrubbery and grounds, floor wax, polish, etc. ....	64.01

For general operational expenses for the rest of the year such as: telephone, electric lights, fuel for heating, etc. ....	456.10
	<hr/>
	\$1,514.96

Section 2: This Act shall be known as a supplementary and a deficiency appropriation bill and the funds hereby appropriated are to be paid out of the General Fund of the State Treasury from funds not otherwise appropriated. Any of the funds appropriated herein that are not expended during the fiscal year ending June 30, 1953, will revert to the General Fund of the State.

Approved June 18, 1953.



CHAPTER 141

DEFICIENCY APPROPRIATION

LAUREL SPECIAL SCHOOL DISTRICT

**AN ACT MAKING A DEFICIENCY APPROPRIATION TO  
THE LAUREL SPECIAL SCHOOL DISTRICT BOARD OF  
EDUCATION.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. That the sum of Seven Thousand Five Hundred Dollars (\$7,500.00) is appropriated to the Laurel Special School District Board of Education as a deficiency appropriation to correct emergency conditions affecting the sewage of the school buildings and the erosion of the athletic field, which condition occurred because the Laurel Special School District Building Commission lacked funds with which to complete its program.

Section 2. This Act shall be known as a Deficiency Appropriation Bill and the funds hereby appropriated are to be paid out of the General Fund of the State Treasury from funds not otherwise appropriated. Any moneys not expended for the purpose herein authorized shall revert to the General Fund.

Approved June 18, 1953.

## CHAPTER 142

AUTHORIZING STATE HIGHWAY DEPARTMENT TO BUILD AND  
REPLACE DYKES IN CEDAR CREEK AND BROADKILL HUNDREDS

**AN ACT AUTHORIZING THE STATE HIGHWAY DEPARTMENT TO ERECT, BUILD, REBUILD, REPLACE AND REPAIR DYKES FROM BROADKILL BEACH TO MISPELLION RIVER ON THE DELAWARE BAY SHORE TO PROTECT THE HIGHWAYS AND LANDS OF CEDAR CREEK AND BROADKILL HUNDREDS FROM INUNDATION BY THE WATERS OF DELAWARE BAY.**

WHEREAS, the road between Slaughter Beach and Cedar Beach in Sussex County, and the road between Broadkill Beach and the town of Milton in Sussex County, and the road between Fowler Beach and the State Highway in Sussex County, and the road between Prime Hook and the State Highway in Sussex County are in great danger of seasonal wash-outs due to the spring tides and storms, and

WHEREAS, these roads require immediate protection from the seasonal elements because the wash-outs of the past have greatly handicapped vehicular movement along said roads; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. That the State Highway Department is hereby authorized, fully empowered, and directed to erect, build, rebuild, replace and repair such dykes along the Delaware Bay Shore between Broadkill Beach and Mispillion River, and also such connecting banks between the low dunes at the various places where breaches have been made by the storm conditions during recent years, as in the judgment of the said Department shall be necessary to protect the highways and lands of Cedar Creek and Broadkill Hundreds from inundation by the waters of Delaware Bay.

Section 2. That the sum of Ten Thousand Dollars (\$10,000.00) is appropriated to the State Highway Department for the purpose specified in Section 1 of this Act, and the

State Treasurer is directed to pay all or any part of said sum upon a warrant or warrants approved by the proper officials of the State Highway Department.

Section 3. In the event that all or any part of said sum of Ten Thousand Dollars (\$10,000.00) shall remain unexpended on June 30, 1953, or on June 30, 1954, it shall not revert to the General Fund of the State Treasury but shall remain available for said purposes up to and including June 30, 1955.

Section 4. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved June 19, 1953.

## CHAPTER 143

## APPROPRIATION

STATE HIGHWAY DEPARTMENT FOR REPAIR OF DAM  
AT BLAIR'S POND**AN ACT APPROPRIATING CERTAIN MONEYS TO THE  
STATE HIGHWAY DEPARTMENT FOR THE REPAIR  
OF A DAM AT BLAIR'S POND, NEAR MILFORD,  
DELAWARE.**

WHEREAS, the United States Government has agreed to appropriate, from the familiarly known Dingle-Johnson fund, a sum sufficient to restore Griffith's Pond, located near Milford, so that said pond may be maintained as a fish and game reserve, the estimated cost of said restoration being Twenty-seven Thousand Dollars (\$27,000.00), and

WHEREAS, the dam located at Blair's Pond, which is located above Griffith's Pond is badly in need of repairs, and

WHEREAS, the Federal Government has stated in writing that it is unwilling to appropriate funds for the restoration of Griffith's Pond unless funds are made available for the repair of the dam at Blair's Pond, so as to insure against a wash-out as a result of a heavy storm which would destroy any work done at Griffith's Pond, and

WHEREAS, a wash-out at the dam at Blair's Pond would also affect Haven Lake and Silver Lake, also located at Milford, and

WHEREAS, it would be in the interest of the welfare of the general public of this State that this, a valuable recreation area be expended and maintained; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The State Highway Department is directed to repair and reconstruct the dam located at Blair's Pond, near Milford, Delaware, so as to insure against a wash-out of this pond and Griffith's Pond, located below Blair's Pond.

Section 2. The sum of Ten Thousand Dollars (\$10,000.00) is appropriated for the purposes stated and the State Treasurer is directed to pay the amount appropriated upon proper vouchers drawn by the State Highway Department.

Section 3. The State Highway Department shall, without delay, proceed to carry into effect the purposes of this Act and the sum hereby appropriated shall remain available for said purposes until the purposes of this Act have been fully carried out.

Section 4. This bill shall be known as a Supplementary Appropriation Act and the moneys hereby appropriated shall be paid out of the General Fund of the State Treasury from sums not otherwise appropriated; any portion of the funds hereby appropriated remaining unexpended when the purposes of this act have been accomplished shall revert to the General Fund.

Approved June 19, 1953.

## CHAPTER 144

### ESTABLISHING A BOARD OF TRUSTEES OF THE STATE WELFARE HOME AND HOSPITAL

**AN ACT TO REPEAL TITLE 31, CHAPTER 7, DELAWARE CODE OF 1953, RELATING TO THE STATE WELFARE HOME AND ESTABLISHING A BOARD OF TRUSTEES OF THE STATE WELFARE HOME AND HOSPITAL FOR THE CHRONICALLY ILL AT SYMRNA AND SETTING FORTH ITS POWERS AND DUTIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 7, Title 31, Delaware Code of 1953 is repealed.

Section 2. Title 31, Delaware Code of 1953 is amended by adding thereto a new chapter as follows:

### **CHAPTER 28. STATE WELFARE HOME AND HOSPITAL FOR THE CHRONICALLY ILL AT SMYRNA**

#### **SUBCHAPTER I. BOARD OF TRUSTEES**

##### **§ 2801. Board of Trustees; composition**

There is created the Board of Trustees of the State Welfare Home and Hospital for the Chronically Ill at Smyrna (hereafter called the Board), consisting of 4 members appointed for terms of 4 years each, one from the city of Wilmington, one from rural New Castle County, one from Kent County, and one from Sussex County.

##### **§ 2802. Appointment; terms of office; removal**

(a) The original members of the Board shall be appointed by the Governor, one for one year, one for two years, one for three years, and one for four years.

(b) The term of office of one Trustee shall expire each year. Vacancies occurring in the Board from any cause, shall be filled by the Governor for the residue of the term; but in every case where a vacancy shall occur, by reason of the expiration of the full term of a member of the Board the appointment by the Governor shall be for the full term of 4 years.

(c) If a majority of the Board shall request the removal of a member of the Board, the Governor may, upon a full presentation of the facts, remove such member from the Board and fill the vacancy thus created.

(d) At no time shall more than two members of the Board be connected with the same political party.

#### **§ 2803. Oath of office; fees and expenses**

(a) The members of the Board shall be duly sworn or affirmed, according to law, to faithfully perform the duties of their office.

(b) They shall serve without salary, but shall be entitled to receive a fee of \$10 for attending each meeting of the Board, and, in addition, a reasonable allowance for actual expenses incurred in the performance of their duties. No member shall receive compensation or fees for attendance of more than 12 meetings, one to be held monthly, of the Board in one year.

#### **§ 2804. Officers; employees; treasurer's bond and accounts**

The Board may appoint a Treasurer and such other officers, agents, and employees as may be found necessary, fix their compensation, and dispense with their services at any time. The treasurer shall give bond to the State, with surety approved by the Board, in such sum as it may prescribe, for the faithful and diligent performance of his duty and the true and correct accounting for all moneys coming into his hands, which bond shall have a warrant of attorney attached to confess judgment thereon. The Board shall cause the accounts of its treasurer to be examined and verified annually, or oftener, if the Board shall deem it necessary.

**§ 2805. Annual report**

The Board shall annually, within 90 days after the close of each calendar year, make a full report of its proceedings to the Governor and to the Levy Court in each county, including detailed information regarding the Home and its inmates, and a statement of receipts and expenditures.

**SUBCHAPTER II. OPERATION OF HOME AND ADMISSION****§ 2820. Jurisdiction over home; rules and regulations; power to contract**

The Board shall have full jurisdiction and control over the home and its inmates. It may adopt and enforce rules and regulations for the exercise of its powers and the performance of its duties. The Board shall also have the power to enter into contracts in the name of the State for the erection of additional buildings and facilities and for their appointments and equipment.

**§ 2821. Organization and operation of home**

(a) The Board shall maintain the State Welfare Home and provide for the care and support of the inmates with due regard for their comfort and well being.

(b) The inmates shall be classified and grouped, as far as may be feasible, according to their color, their mental and physical condition, and their previous occupation, with view of their mental and physical betterment. They shall be assigned to such work, when physically able, as will interest and encourage them. Facilities shall be afforded them for educational improvement, edifying and inspirational entertainment and healthful recreation.

(c) Such methods in general shall be employed by the Board as will provide good order, fraternal relations, and self-respect among the inmates, under humane and helpful regulations, with special reward for meritorious service and gentle reproof or reasonable restraint for misbehavior, as each partic-



ular case may warrant. No member of the Board, and no person holding a position under the Board, shall have any pecuniary interest, directly or indirectly, in the purchase of supplies of any kind for said home and its inmates, or in expenditures authorized by the Board for any purpose in connection with said home and its inmates.

**§ 2822. Who may be admitted; how admitted**

Any person having a legal residence in the State, who has been unable to obtain employment, or is unable to work, who has no property or income sufficient to provide the necessities of life, who has no permanent place of abode, and no relatives or friends to care for him, may be admitted for the time being to the home, on the written order of any member of the Board, in the interim of the meetings of the Board, or by order of the Board, when in session, upon the presentation to the Board, or to the Board as a whole, of a statement in writing setting forth the facts in his case, attested by two credible witnesses, and verified under oath or affirmation. In every such case the Board shall cause diligent inquiry to be made into all the facts and circumstances, and, upon ascertainment that the statement submitted is just and true, may make such further order respecting such person as the facts and circumstances may warrant. The Board may, in its discretion, and in cases of extreme emergency, or upon the order of any Court having competent jurisdiction in such cases, admit other persons to the home.

**§ 2823. Disqualifications for admission; grounds for dismissal**

(a) No insane or vicious person, or a person having a criminal record, unless such person by thorough reformation has acquired a good reputation, shall be admitted to the home.

(b) Any inmate of the home who is guilty of the violation of any law of the State shall be dismissed from the home and placed in the custody of the proper authorities. Any inmate of the home who becomes incorrigible shall be dismissed. Any inmate of the home who marries shall be dismissed.

**SUBCHAPTER III. EXPENSES AND FINANCING OF HOME****§ 2830. Property liable for expenses**

(a) If an inmate of the home is found to own property, such property shall be liable for the expense incurred in the care and support of such inmate.

(b) If a husband, without sufficient cause, separates from his wife, or a father or mother deserts his or her children, so that such wife or children are admitted to the home, the property of such husband, father or mother shall be liable for the expense incurred in the care and support of such wife or children.

(c) In all such cases the board shall take legal proceedings to seize the property to pay such expenses.

**§ 2831. Liability of relatives for expenses of care and support of inmate of home**

The parents, grandparents, children or grandchildren of an indigent person, an inmate of the home, shall be liable, in the order named, for the expense incurred in the care and support of such person, provided they are found able to pay such expense. The Board shall take legal proceedings to enforce this liability, if warranted by the facts and circumstances.

**§ 2832. Financing of home maintenance; other expenses**

(a) The cost of the maintenance of the home and the care and support of its inmates, shall be a charge against the counties of the State, apportioned according to the number of inmates from each county.

(b) The Board shall annually submit to the Levy Court of each county an estimate of the cost and expenses chargeable against such county. The Levy Court of each county shall include the amount of the estimate in the taxes laid for that year, and the same shall be credited by the Treasurer of the county to the Board, subject to its order.

(c) The Board shall, at the close of each month, furnish the Treasurer of each county with a detailed, minute and accurate account of the cost and expenses during the month chargeable to the county, the amount of which account shall be paid to the State Welfare Home, which shall disburse the same in the payment of claims against the home, as the same has been verified and ordered by the Board to be paid.

**§ 2833. State contributions toward expenses**

(a) The State shall semi-annually reimburse each county to the extent of one-half the amount expended by the county for the cost of the maintenance of the home and the care and support of its inmates.

(b) Claim for such reimbursement shall be first approved by the Board and thereafter be presented by the Treasurer of each county semi-annually, in January and July, to the State Treasurer. Before payment of the claim is made it shall be duly verified by the State Auditor, who shall certify the correctness thereof to the State Treasurer. The State Treasurer shall thereupon pay the amount of such claim to the Treasurer of the county presenting the same.

(c) The estimated amount of the claims shall be included in the annual appropriations made by the General Assembly.

(d) If, at any time, there would be a deficit in the funds required to be provided by the Levy Court of each county for the cost of the maintenance of the Home and the care and support of its inmates, chargeable to the county, such deficit shall be paid out of the State Treasury upon requisition of the Board and shall be deducted by the State Treasurer from the amount to be paid to the county in reimbursement of the amount expended by it, as provided in this section.

**SUBCHAPTER IV. VIOLATIONS AND PENALTIES**

**§ 2840. Fraud in connection with admission; penalty**

Whoever by wilful false statements, or misrepresentation, or other fraudulent device, obtains or attempts to obtain, or aids or abets any other person to obtain admission to the home,

when such person is not entitled to admission under the provisions of this chapter, or disposes of any property, or aids or abets in the buying or in any other way disposing of the property of a person applying for admission, or who has already been admitted to the home, without the knowledge or consent of the Board, which property is liable for the expense incurred in the care and support of such person in the home, shall be fined not more than \$500 or imprisoned not more than 3 years, or both.

**§ 2841. Other violations and penalties**

Whoever violates any provision of this chapter, for which no penalty is specifically prescribed, shall be fined not more than \$500 or imprisoned not more than 3 years, or both.

Approved June 19, 1953.

CHAPTER 145

APPROPRIATION

HARRY M. DEPUTY

**AN ACT TO APPROPRIATE THE SUM OF THREE HUNDRED FORTY-TWO DOLLARS AND EIGHTY CENTS (\$342.80) AS AN ALLOWANCE TO THE HONORABLE HARRY M. DEPUTY, A MEMBER OF THE ONE HUNDRED AND FIRST GENERAL ASSEMBLY OF THE STATE OF DELAWARE, FOR EXPENSES CONNECTED WITH SAID SESSION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of three hundred forty-two dollars and eighty cents (\$342.80) is hereby appropriated to the Honorable Harry M. Deputy, a member of the One Hundred and First General Assembly of the State of Delaware, as an allowance for expenses connected with said Session, he not having heretofore been paid.

Section 2. The State Treasurer of the State of Delaware is hereby directed and empowered to pay said sum out of the General Funds of the State.

Section 3. This is a supplementary appropriation bill.

Approved June 22, 1953.

## CHAPTER 146

PROVIDING FOR PURCHASE OF BLIND MADE PRODUCTS  
BY STATE AGENCIES**AN ACT AMENDING TITLE 31, DELAWARE CODE OF 1953,  
ENTITLED "WELFARE" BY PROVIDING FOR THE  
PURCHASE OF BLIND MADE PRODUCTS BY STATE  
INSTITUTIONS AND AGENCIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 21, Title 31, Delaware Code of 1953 is amended by adding thereto the following new section:

**§ 2115. Use of products and services of blind by State Agencies; exceptions; violation; penalty**

(a) State institutions and agencies shall, where possible, purchase brooms, mops, rugs, rubber mats and other supplies, other than the product of prison labor, from the Delaware Commission for the Blind, provided that such goods and supplies are of standard quality and price.

(b) State institutions and agencies requiring piano tuning or chair seating shall employ persons recommended by the Delaware Commission for the Blind, provided that such persons are qualified and the service rendered is of standard quality and price.

(c) When convenience or emergency requires it the executive secretary of the Delaware Commission for the Blind may upon request of the purchasing officer of any institution or agency relieve him from the obligation of this section.

(d) Any purchasing officer who violates the provisions of this section shall be guilty of a misdemeanor and punished accordingly.

Section 2. This act shall take effect July 1, 1953.

Approved June 22, 1953.

## CHAPTER 147

## APPROPRIATION

## UNIVERSITY OF DELAWARE FOR RESEARCH LABORATORY

**AN ACT APPROPRIATING MONEY TO THE UNIVERSITY OF DELAWARE FOR THE ERECTION OF A BAY-SIDE RESEARCH LABORATORY.**

WHEREAS, the salt-water resources of the State comprise an important asset of the State, and merit protection and expansion; and

WHEREAS, the program of service, research and teaching conducted by the University of Delaware has been observed and reviewed by representative commercial, recreational and public interests in marine resources and found to be a sound program worthy of continuation; and

WHEREAS, the provision of field laboratory facilities close to Delaware Bay, the Atlantic Ocean and other salt waters would vastly improve the quality and quantity of efforts to restore declined resources, expand utilization, answer the problems facing those who depend upon these resources, acquire fundamental knowledge of marine and estuarine water and its inhabitants, and train capable students; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is hereby appropriated to the University of Delaware the sum of seventy-five thousand dollars (\$75,000.00) for the construction and equipment of a marine laboratory and necessary wharfage and accessory structures, at a site to be selected by the University, for the purpose of housing continuing study and instruction on the salt and estuarine waters of the State.

Section 2. This shall be known as a Supplementary Appropriation Act and the money herein appropriated shall be paid out of the General Funds of the State Treasury.

Approved June 22, 1953.

## CHAPTER 148

## PERTAINING TO EDUCATION OF BLIND CHILDREN

**AN ACT TO AMEND TITLE 31, DELAWARE CODE OF 1953,  
ENTITLED "WELFARE" BY CHANGING THE REGULA-  
TIONS PERTAINING TO THE EDUCATION OF BLIND  
CHILDREN.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Subchapter VI, Chapter 3, Title 31, Delaware Code of 1953, is amended by striking out and repealing the heading "DEAF, CRIPPLED AND BLIND PERSONS" and inserting in lieu thereof a new heading to read as follows: "DEAF AND CRIPPLED PERSONS".

Section 2. § 381, Title 31, Delaware Code of 1953 is amended by striking out and repealing the words "and the blind" in the second line and the words "or blind" in the fifth and sixth lines.

Section 3. § 383, Title 31, Delaware Code of 1953 is amended by striking out and repealing in the first and second lines the following words: "the principal of any institution for the instruction of the blind, or".

Section 4. § 384, Title 31, Delaware Code of 1953 is amended by striking out and repealing in the eighth line of the section the words "or blind" and in the tenth and eleventh lines of the section the words "or in the Pennsylvania institution for the instruction of the blind;".

Approved June 22, 1953.



## CHAPTER 149

## APPROPRIATION

## FOR INSPECTION OF FARM PRODUCTS

**AN ACT TO APPROPRIATE THE SUM OF FIVE THOUSAND DOLLARS (\$5,000.00) TO THE STATE BOARD OF AGRICULTURE TO BE USED IN CONNECTION WITH THE GRADING AND INSPECTION OF FARM PRODUCE BY LICENSED FEDERAL-STATE INSPECTORS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of five thousand dollars (\$5,000.00) is appropriated to the State Board of Agriculture to be used for the grading and inspection of farm produce by Federal-State Inspectors during the remaining portion of the fiscal year ending June 30, 1953.

Section 2. This Act shall be known as a Supplementary appropriation and the funds hereby appropriated are to be paid out of the General Fund of the State Treasury from funds not otherwise appropriated. Any of the funds appropriated herein that are not expended during the fiscal year ending June 30, 1953 will revert to the General Fund of the State. The appropriation herein provided for will ultimately be restored to the General Fund of the State by and through the collection of service fees made payable to the State Board of Agriculture by canning plants and producers utilizing the services of said inspectors.

Approved June 22, 1953.

## CHAPTER 150

CHANGING THE HOURS OF HUNTING TO CONFORM  
TO FEDERAL LAWS**AN ACT TO AMEND CHAPTER 7, TITLE 7, DELAWARE  
CODE OF 1953 ENTITLED "REGULATIONS AND PRO-  
HIBITIONS CONCERNING GAME AND FISH" BY  
CHANGING THE HOURS OF HUNTING TO CONFORM  
WITH THE FEDERAL LAWS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 710, Title 7, Delaware Code of 1953 is amend-  
ed to read as follows:

§ 710. No person shall pursue, catch, take or kill any migratory birds or fowl except within the hours permitted by Federal laws and regulations. No person shall pursue, catch, take or kill any animals protected by the laws of this State except frogs, muskrats, raccoons, opossums, skunks, minks, otter and foxes between one hour after sunset of one day and one hour before sunrise the following day. No person shall shoot muskrats within the hours named in this section.

Approved June 22, 1953.

## CHAPTER 151

RESPECTING MANNER IN WHICH UNITS IN SCHOOL  
DISTRICT ARE DETERMINED**AN ACT TO AMEND TITLE 14, DELAWARE CODE OF 1953,  
ENTITLED "EDUCATION" IN RESPECT TO THE MAN-  
NER IN WHICH THE NUMBER OF UNITS IN A SCHOOL  
DISTRICT SHALL BE DETERMINED.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1704, Title 14, Delaware Code of 1953, is amended by striking out all of said section and substituting the following:

**§ 1704. Number of units in a school district; method of calculation**

The number of units in each school district shall be calculated by the State Board of Education at least twice a year in the following manner:

(1) At the close of each school year the number of units to which each school district is entitled shall be calculated on the net enrollment of the school year just completed. Net enrollment as used in this section means total enrollment of a district for the year less the number of pupils transferred to another district in this State.

(2) As of the last day of September the number of units shall be calculated based on the total enrollment at that date of each school district.

Section 2. § 1710, Title 14, Delaware Code of 1953, is amended by striking out all of said section and substituting the following:

**§ 1710. Reports as to number of units; determination of unit appropriation**

The number of units in each school district as calculated under the provisions of section 1704 of this chapter shall be

certified to the Budget Commission by the State Board of Education as soon as such calculations are completed. Along with any such certification which is made immediately prior to a regular session of the General Assembly the Board of Education shall submit its recommendations as to the sum which shall be appropriated for each unit, and shall make available to the Budget Commission all data upon which such recommendations are based. The Budget Commission shall establish the sum which shall be appropriated to each unit and shall use such sum as the basis for the appropriation specified in sections 1706 and 1707 (a) of this chapter.

Section 3. § 1711, Title 14, Delaware Code of 1953, is amended by striking out all of said section and substituting the following:

**§ 1711. Reserve appropriation; adjustments**

The Budget Commission shall recommend the appropriation of a sufficient reserve which shall be made available by the Budget Commission during the biennium to school districts which have been certified by the State Board of Education to have an increase in the number of units upon which the appropriation in the General Appropriation Bill was based. The Budget Commission may allocate additional funds out of such reserve to any school district based on a certification by the State Board of Education. The Budget Commission may also reduce the funds available to any school district but such reduction shall be based only upon a reduction in the number of units as certified by the State Board of Education as a result of the June calculation. Nothing contained in this section shall be interpreted as preventing the allocation of additional funds to school districts based upon a certification of an increase in units made at times other than those specifically required in section 1704 of this title.

Approved June 22, 1953.

## CHAPTER 152

### RELATING TO ANTI HOG-CHOLERA INOCULATION

#### **AN ACT TO AMEND CHAPTER 71, TITLE 3 OF THE DELAWARE CODE OF 1953 RELATING TO ANIMAL HEALTH; ANTI HOG-CHOLERA SERUM AND VIRUS; DISTRIBUTION; INOCULATION**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 7103, Chapter 71, Title 3 of the Delaware Code of 1953 is amended to read as follows:

#### **§ 7103. Anti hog-cholera serum; virus; distribution; inoculation**

(a). The State Board of Agriculture shall supply without charge to any hog producer or farmer raising hogs of the State of Delaware anti hog-cholera serum and virus purchased with funds appropriated for the purpose to be used for inoculating shoats and hogs owned by such hog producer or farmer raising hogs and raised within the State of Delaware. No more serum shall be furnished to any one hog producer or farmer raising hogs in any one year than that necessary to inoculate ten shoats and hogs, except in the case of State or County institutions where enough serum may be furnished to inoculate the entire herd.

(b). The State Board of Agriculture may supervise the inoculation of any shoats or hogs for which request is made and which are owned by citizens of the State and are located within the State.

Approved June 22, 1953.

## CHAPTER 153

## RELATING TO GAME AND FISH COMMISSIONERS

**AN ACT TO AMEND CHAPTER 1, TITLE 7, DELAWARE CODE OF 1953, RELATING TO BOARD OF GAME AND FISH COMMISSIONERS; RULES AND REGULATIONS; EXPENDITURES; VIOLATIONS AND PENALTY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Paragraph (1), § 108 (a), Chapter 1, Title 7, Delaware Code of 1953, is amended to read as follows:

Fix and regulate seasons by shortening, extending or closing seasons, and to fix and regulate the bag limit on any species of protected wild life or fresh water fish in any specified localities whenever it finds, after investigation, and a public hearing is had as provided in paragraph number 4 of this subsection, that such action is necessary to assure the conservation of such wild life or fresh water fish, and the maintenance of an adequate supply thereof or to limit the supply thereof when conditions warrant the same.

Section 2. § 108 (a), Chapter 1, Title 7, Delaware Code of 1953 is further amended by adding a new paragraph at the end thereof to be numbered (4) to read as follows:

Establish such other rules and regulations concerning any species of protected wild life or fresh water fish in any specified localities as it deems necessary or advisable for the protection and conservation of wild life or fresh water fish. The passage and approval of this paragraph will repeal the existing statutory regulations only if and when the Board promulgates any regulations contrary to any existing statutory regulations. The Board shall give notice of such proposed changes in two newspapers of state wide circulation and shall hold a public hearing on such proposed changes in its office at Dover, at least sixty (60) days prior to changing any rule or regulation.

Section 3. § 108 (b), Chapter 1, Title 7, Delaware Code of 1953 is amended by striking out the words "two weeks" appearing in the third line thereof, and substituting in lieu thereof the words "thirty days".

Section 4. § 108 (c), Chapter 1, Title 7, Delaware Code of 1953 is amended by striking out the words "either State or" appearing in the fifth and sixth lines thereof.

Approved June 22, 1953.

## CHAPTER 154

AUTHORIZING THE STATE HIGHWAY DEPARTMENT TO PAY  
DAMAGES CAUSED BY FLOODING LANDS**AN ACT TO PROVIDE THE STATE HIGHWAY DEPARTMENT WITH FUNDS TO PAY THE DAMAGES OF CERTAIN RESIDENTS OF NEW CASTLE COUNTY AS A RESULT OF FLOODING OF LANDS CAUSED BY THE CONSTRUCTION OF A TIDEWATER GATE NEAR "RIVER ROAD", NEW CASTLE COUNTY.**

WHEREAS, pursuant to an authorization and an appropriation provided for pursuant to the terms of "An Act to provide for the construction of two tidewater gates 'River Road', New Castle County", Volume 48, Laws of Delaware, Chapter 995, the State Highway Department undertook to construct a tidewater gate for the protection of River Road, New Castle County, south of Augustine Beach; and

WHEREAS, by reason of said construction project certain lands adjacent thereto were flooded and the owners thereof sustained considerable damage; and

WHEREAS, the State Highway Department has recognized that the flood damage was caused by interference with the natural drainage of the area by the construction project and failure to provide an alternate method of draining the area during the period of construction; and

WHEREAS, there are no funds available from the amount appropriated for this project to pay the damages caused by said project; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of Twenty Thousand Six Hundred Eighty-One Dollars and Sixty Cents (\$20,681.60) is appropriated to the State Highway Department to pay the damages caused by the flooding of the land as a result of the construction of the tidewater gates at River Road, New Castle County, south of Augustine Beach to the owners of private lands damaged thereby.



Section 2. The State Highway Department is authorized, empowered and directed to pay the damages caused by said flooding to the persons in the amounts hereinafter set out as follows:

George L. Metz .....	\$ 252.00
John G. Armstrong .....	525.00
Alice Willoughby .....	2,038.15
Caroline Keene .....	4,207.80
William Kux .....	1,876.70
Howard A. Fortner .....	3,360.70
Raymond W. Haffen .....	1,086.75
Hyland P. Bullen .....	2,843.75
Richard Betts .....	3,924.50
Joseph Schmidt .....	341.25
Anton Giataitis .....	225.00

Section 3. This act shall be known as a Supplementary Appropriation Act and the monies hereby appropriated shall be paid out of the General Fund of the State Treasury from funds not otherwise appropriated.

Approved June 22, 1953.

CHAPTER 155  
APPROPRIATION  
ANN B. CLEAVES

**AN ACT APPROPRIATING CERTAIN MONEYS TO ANN B.  
CLEAVES FOR ADDITIONAL SALARY TO WHICH SHE  
WAS ENTITLED TO BE PAID AS A NURSE AT THE  
CAESAR RODNEY SCHOOLS.**

WHEREAS, Ann B. Cleaves, is employed by the Board of Education at the Caesar Rodney Schools, State Consolidated School District No. 1, Camden-Wyoming, Delaware, as a school nurse; and

WHEREAS, the said Ann B. Cleaves, was so employed during the 1950-51 school year; and

WHEREAS, in January of 1951, the said Ann B. Cleaves completed her course for a regular nurse's certificate, entitling her to an additional salary of Twenty Dollars (\$20.00) per month over and above that which was actually received by her; and

WHEREAS, through an oversight, the said Ann B. Cleaves neglected to inform the Board of Health before February, 1951, of the fact of her completion of said course; and

WHEREAS, the said Ann B. Cleaves is entitled to Twenty Dollars (\$20.00) per month for the months of February, March, April, May and June of 1951, making a total of One Hundred Dollars (\$100.00); and

WHEREAS, the said State Board of Education would have paid her the aforesaid additional salary if it had funds available for that purpose; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. That the State Treasurer is directed to pay to Ann B. Cleaves, within thirty (30) days, the sum of One Hundred Dollars (\$100.00) in payment of the additional salary to

which she is entitled as a school nurse in the Caesar Rodney Schools, State Consolidated School District No. 1, Camden-Wyoming, Delaware, for the months of February, March, April, May and June of 1951.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury, not otherwise appropriated.

Approved June 22, 1953.

## CHAPTER 156

## APPROPRIATION

WILLIAM E. MELUNEY

**AN ACT APPROPRIATING CERTAIN MONEYS TO WILLIAM E. MELUNEY REIMBURSING HIM FOR MILEAGE AND TELEPHONE EXPENSES INCURRED IN PERFORMING HIS DUTIES AS A GAME WARDEN.**

WHEREAS, William E. Meluney is employed by the Board of Game and Fish Commissioners as a warden; and

WHEREAS, he was so employed during the month of June 1952; and

WHEREAS, he incurred mileage expenses in the sum of Sixty-Two Dollars and Seventy-Eight Cents (\$62.78) and telephone expenses in the sum of Thirteen Dollars and Eighty-Five Cents (\$13.85), making a total of Seventy-Six Dollars and Sixty-Three Cents (\$76.63), incurred by him in the month of June 1952, in the course of his said employment; and

WHEREAS, the said William E. Meluney was not reimbursed these expenses by the Board of Game and Fish Commissioners due to some oversight; and

WHEREAS, the said Board of Game and Fish Commissioners does not have available funds for this purpose; Now, Therefore,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The State Treasurer is directed to pay to William E. Meluney, within thirty days, the sum of Seventy-Six Dollars and Sixty-Three Cents (\$76.63) in payment of the mileage and telephone expenses incurred by him during the month of June 1952, in the course of his employment as a warden for the Board of Game and Fish Commissioners.

Section 2. That this Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved June 22, 1953.

## CHAPTER 157

RELATING TO STATE BOARD OF EXAMINERS FOR GRADUATE  
NURSES

**AN ACT AMENDING CHAPTER 19, TITLE 24, DELAWARE CODE OF 1953, RELATING TO NURSING, BY AMENDING SECTION 1901, PERTAINING TO QUALIFICATIONS OF MEMBERS OF THE STATE BOARD OF EXAMINERS OF GRADUATE NURSES; SECTION 1902, BY AUTHORIZING THE STATE BOARD OF EXAMINERS OF GRADUATES NURSES TO APPOINT AN EXECUTIVE SECRETARY; SECTIONS 1903, 1905 AND 1906, RELATING TO FEES FOR REGISTRATION AND RE-REGISTRATION; AND SECTION 1904, LOWERING THE AGE REQUIREMENTS FOR APPLICANTS FOR REGISTRATION UNDER THE TERMS OF SAID CHAPTER.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1901, Chapter 19, Title 24, Delaware Code of 1953, is amended to read as follows:

**§ 1901. Board of Examiners of Graduate Nurses; appointment; qualifications; terms of office; vacancies**

The State Board of Examiners of Graduate Nurses, heretofore established and hereafter in this chapter referred to as the "Board" shall consist of five members. The term of office of every member appointed under this section, except those appointed to fill vacancies occurring during any term of office, shall be for three years. All members appointed to the Board shall be graduate nurses and at least two of them shall have a degree in nursing or nursing education or education. All members of the Board shall have had at least three years' active practice as nurses and shall have taken advanced courses in nursing education.

Upon the expiration of the term of office of any member of the Board, under the terms hereof, a successor shall be appointed for a full term of three years by the Governor from a

list of five nominations of qualified persons, as herein provided, furnished him annually by the Delaware State Nurses Association. All vacancies occurring on the Board for any cause other than expiration of term shall be filled by appointment by the Governor for the unexpired term from such annual list of nominations of qualified persons, or from an additional list of five names of qualified persons to be furnished the Governor upon request by him to the Association.

At least one member shall be chosen from qualified persons resident in the City of Wilmington, one from New Castle County, one from Kent County, and one from Sussex County. If no qualified person is available in any one or more of the foregoing subdivisions of this State, then and in such event only, qualified persons available in any other geographical subdivision, as set forth above, may be appointed to membership on said Board.

Section 2. § 1902, Chapter 19, Title 24, Delaware Code of 1953, is amended to read as follows:

**§ 1902. Election of officers; quorum; special meetings; by-laws; supervision of training schools and hospitals; record of proceedings; register of nurses; compensation; revenue and expenses**

(a) The members of the Board shall, annually in the month of June, elect from their members a President and a Treasurer.

(b) Three members of the Board shall constitute a quorum.

(c) Special meetings of the Board shall be called by the Executive Secretary upon written request of the President of the Board or the written request of any two members.

(d) The Board may adopt and promulgate such by-laws as may be necessary to govern its proceedings and to effectuate the intent and purpose of this chapter. It may formulate a curriculum and rules to be complied with by training schools and hospitals which have been duly accredited by the Board. It shall also provide for a systematic inspection of all schools of nursing in this State.

(e) The Board may appoint an Executive Secretary at an annual salary to be fixed by the Board. Such Executive Secretary shall also be entitled to his or her necessary travel and other expenses incurred in the discharge of his or her official duties. Such Executive Secretary shall keep a record of all meetings of the Board and maintain a register of names of all nurses duly registered under this Act, which shall at all times be open for inspection. Such Executive Secretary shall be a registered professional nurse and shall have had experience of at least three years in an administrative or teaching position in an accredited school of nursing. He or she shall have a Bachelor of Science degree in nursing, nursing education or education, and he or she shall have had advanced courses in the field of nursing education.

(f) The Board shall cause the prosecution of all persons violating any of the provisions of this chapter, and may incur necessary expenses in this behalf.

(g) The Executive Secretary shall visit each school of nursing whenever deemed necessary and desirable by the Board and submit a written report of such visit to the Board. From time to time, as deemed necessary by the Board, it shall be the duty of the Executive Secretary, or some member of the Board designated so to do, to survey all schools of nursing in this State to determine if they are prepared and qualified to carry out and are carrying out the prescribed basic curriculum for educating professional nurses. If the Board determines from such survey that any school of nursing is not maintaining the standards required by the Statutes and by the Board, notice thereof in writing specifying the defect or defects shall be immediately given to the school which thereafter shall correct these conditions within a year to the satisfaction of the Board. The Board is authorized to withdraw accreditation of any school of nursing which does not maintain the standards required by the Statute and by the Board.

(h) All fees and other money received by the Board shall be paid over to the State Treasurer, in accordance with Chapter 61 of Title 29.



(i) Expenses of the Board, within the limits of appropriations made to it, shall be paid by the State Treasurer upon warrants signed by the proper officers of the Board.

Section 3. The last sentence in § 1903, Chapter 19, Title 24, Delaware Code of 1953, is amended to read as follows:

Upon filing application for examination and registration, each applicant shall deposit a fee of \$15.

Section 4. The paragraph designated as (1) in § 1904, Chapter 19, Title 24, Delaware Code of 1953, is amended to read as follows:

(1) Is twenty years of age;

Section 5. § 1905, Chapter 19, Title 24, Delaware Code of 1953 is amended by striking out the figures "\$10" as they appear therein and substituting the figures "\$15".

Section 6. § 1906, Chapter 19, Title 24, Delaware Code of 1953 is amended to read as follows:

#### **§ 1906. Renewal of registration**

Every nurse who is duly registered shall re-register every two years by filing an application to re-register during the month of January in any year that such applicant must re-register. When an applicant re-registers the applicant shall deposit a fee of \$2.

Section 7. This Act shall take effect on the first day of June, A. D. 1953. All sections, sentences or parts of said Chapter 19, Title 24, of the Delaware Code of 1953 in conflict herewith shall be thereupon repealed.

Approved June 22, 1953.

## CHAPTER 158

PROVIDING FOR TEMPORARY EMERGENCY LICENSES TO  
PHYSICIANS, DENTISTS AND VETERINARIANS

**AN ACT AMENDING CHAPTER 11, CHAPTER 17 AND CHAPTER 33, TITLE 24, DELAWARE CODE OF 1953, BY AUTHORIZING THE MEDICAL COUNCIL OF DELAWARE, THE DELAWARE STATE BOARD OF DENTAL EXAMINERS AND THE STATE BOARD OF VETERINARY EXAMINERS TO PROVIDE FOR THE TEMPORARY ADMISSION TO PRACTICE MEDICINE, DENTISTRY AND VETERINARY MEDICINE DURING AN EMERGENCY PERIOD.**

WHEREAS, a serious public emergency may exist in this State because of the demands of the armed services for positions of physicians, dentists and veterinarians; and

WHEREAS, cooperation on the part of the State, certain Federal agencies, such as the Procurement and Assignment Service for Physicians, Dentists and Veterinarians of the War Manpower Commission, is imperative, so that temporary relocation of physicians, dentists and veterinarians may be accomplished to overcome acute shortages in specific locations from time to time; and

WHEREAS, for the protection of the health and welfare of the people of this State, power to provide for the temporary admission to practice in this State of physicians, dentists and veterinarians licensed in a State of the United States, other than Delaware, should be conferred on the Medical Council of Delaware, the Delaware State Board of Dental Examiners and the State Board of Veterinary Examiners, upon conditions, and under regulations prescribed by them; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Subchapter 3 of Chapter 17, Title 24, Delaware Code of 1953 is amended by adding at the end thereof a new section to read as follows:

**§ 1744. Temporary admission to practice medicine during emergency period**

Until May 1, 1955, the Medical Council shall have the power, by general regulations or specific orders, to issue temporary emergency certificates, said temporary certificates to be limited to twelve (12) months duration, renewable at the discretion of the issuing authority to such physicians licensed in a state of the United States, other than Delaware, as they shall find qualified to practice as such in this State during a serious public emergency. The holder of any such temporary certificate shall be privileged, during the term specified therein, unless sooner revoked, to practice his profession within this State, subject, however, to all laws of this State, generally applicable to the practice of such profession and to such regulations, restrictions and area limitations as the Medical Council may make or impose as to them, or any of them, and their practice within this State.

Section 2. Subchapter 2 of Chapter 11, Title 24, Delaware Code of 1953 is amended by adding at the end thereof a new section to read as follows:

**§ 1135. Temporary admission to practice dentistry during emergency period**

Until May 1, 1955, the Board shall have the power, by general regulations or specific orders, to issue temporary emergency certificates, said temporary certificates to be limited to twelve (12) months duration, renewable at the discretion of the issuing authority to such dentists licensed in a state of the United States, other than Delaware, as they shall find qualified to practice as such in this State during a serious public emergency. The holder of any such temporary certificate shall be privileged, during the term specified therein, unless sooner revoked, to practice his profession within this State, subject, however, to all laws of this State, generally applicable to the practice of such profession and to such regulations, restrictions and area limitations as the Board may make or impose as to them, or any of them, and their practice within this State.

Section 3. Chapter 33, Title 24, Delaware Code of 1953, is amended by adding at the end thereof a new section to read as follows:

**§ 3313. Temporary admission to practice veterinary medicine during emergency period**

Until May 1, 1955, the Board shall have the power, by general regulations or specific orders, to issue temporary emergency certificates, said temporary certificates to be limited to twelve (12) months duration, renewable at the discretion of the issuing authority to such veterinarians licensed in a state of the United States, other than Delaware, as they shall find qualified to practice as such in this State during a serious public emergency. The holder of any such temporary certificate shall be privileged, during the term specified therein, unless sooner revoked, to practice his profession within this State, subject, however, to all laws of this State, generally applicable to the practice of such profession and to such regulations, restrictions and area limitations as the Board may make or impose as to them, or any of them, and their practice within this State.

Approved June 22, 1953.

## CHAPTER 159

## AUTHORIZING ADDITIONS AND ALTERATIONS TO MILTON SCHOOL

**AN ACT TO AUTHORIZE THE BOARD OF SCHOOL TRUSTEES OF MILTON SCHOOL DISTRICT TO APPLY CERTAIN FUNDS RAISED BY SCHOOL TAXATION FOR THE PURPOSE OF MAKING ADDITIONS AND ALTERATIONS TO THE MILTON SCHOOL.**

WHEREAS, in pursuance to § 1902, Title 14, Delaware Code of 1953, the Board of School Trustees of Milton School District No. 8 held a special election of April 28, 1951 to raise school taxes for the purpose of defraying the cost of wages and salaries, administrative, instructional, operating and maintenance, supplies and expenses, purchases of equipment, library books and any other operating expenses of the public school grounds and properties of Milton School District No. 8; and

WHEREAS, there now remains a surplus of the moneys received by this increase in taxation; and

WHEREAS, the Board of School Trustees is desirous of using a part of this surplus for the purpose of making alterations and additions to the Milton School; and

WHEREAS, the sum hereby requested for the use of alterations and additions is smaller than the yearly surplus; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The Board of School Trustees of Milton School District No. 8 is authorized and empowered to expend the sum of three thousand dollars (\$3,000.00) annually from the funds obtained by increasing school taxes as a result of the election held on April 28, 1951 for the purpose of making alterations and additions to the Milton School.

Approved June 22, 1953.

## CHAPTER 160

## APPROPRIATION

JOSEPH KRAUSS

**AN ACT TO APPROPRIATE MONEY TO JOSEPH KRAUSS,  
A RESIDENT OF THE STATE OF DELAWARE AND A  
VETERAN OF WORLD WAR II FOR MILITARY SER-  
VICE BONUS.**

WHEREAS, Joseph Krauss, a resident of the State of Delaware and a veteran of World War II, was eligible under the Veterans' Military Pay Act, Chapter 1, Volume 47, Laws of Delaware, Special Session; and

WHEREAS, it was impossible for him to comply with the requirements of the Veterans' Military Pay Act, due to the fact that he was unable to secure the necessary papers in time; and

WHEREAS, no payments were authorized under the said Act after June 30, 1951; and

WHEREAS, the Delaware Veterans' Military Pay Commission expired on the 30th day of June, 1951; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of Three Hundred Dollars (\$300.00) is hereby appropriated to Joseph Krauss, as a bonus payment incident to his military service in World War II.

Section 2. This act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State Treasury, not otherwise appropriated.

Approved June 22, 1953.

## CHAPTER 161

### APPROPRIATION

STATE HIGHWAY DEPARTMENT TO CONDUCT SAFETY CAMPAIGN

#### **AN ACT APPROPRIATING CERTAIN MONEYS TO THE STATE HIGHWAY DEPARTMENT TO CONDUCT AN EDUCATIONAL CAMPAIGN ON STREET AND HIGH- WAY SAFETY.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. The sum of Ten Thousand Dollars (\$10,000.00) is appropriated to the State Highway Department for the fiscal year ending June 30, 1954 and an additional sum of Ten Thousand Dollars (\$10,000.00) for the fiscal year ending June 30, 1955, to be used for the purpose of conducting throughout the State of Delaware an educational campaign on street and highway safety, such campaign to be conducted by the said State Highway Department in the manner which it deems most beneficial to accomplish the purpose thereof, and said Department is especially authorized to use and employ the facilities of the Delaware Safety Council or any similar organization.

Section 2. This is a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated, and any funds hereby appropriated remaining unexpended at the end of the respective fiscal years shall revert to the General Fund.

Approved June 22, 1953.

## CHAPTER 162

## APPROPRIATION

MARGARET M. GREENLY

**AN ACT TO APPROPRIATE MONEY TO MARGARET M. GREENLY, WIDOW, MOTHER AND BENEFICIARY OF ORLANDO DAVID GREENLY, A DECEASED RESIDENT OF THE STATE OF DELAWARE AND A VETERAN OF WORLD WAR II FOR MILITARY SERVICE BONUS.**

WHEREAS, Orlando David Greenly, a resident of the State of Delaware and a veteran of World War II was killed in combat on September 6, 1943 at Salerno, Italy; and

WHEREAS, David Elmer Greenly, father of the said Orlando David Greenly, died March 15, 1950; and

WHEREAS, Margaret M. Greenly, widow, mother of the said Orlando David Greenly, is the sole beneficiary of the said Orlando David Greenly and was eligible under the Veterans' Military Pay Act, Chapter 1, Volume 47, Laws of Delaware, Special Session; and

WHEREAS, the said Margaret M. Greenly, widow, neglected to comply with the requirements of the Veterans' Military Pay Act within the time permitted thereunder; and

WHEREAS, no payments were authorized under the said Act after June 30, 1951; and

WHEREAS, the Delaware Veterans' Military Pay Commission expired on June 30, 1951; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of Three Hundred Dollars (\$300.00) is hereby appropriated to Margaret M. Greenly, widow, beneficiary of Orlando David Greenly, deceased, as a bonus payment incident to his military service in World War II.



Section 2. This act shall be known as a Supplementary Appropriation Act and the monies hereby appropriated shall be paid out of the General Fund of the State Treasury, not otherwise appropriated.

Approved June 22, 1953.

**CHAPTER 163****RELATING TO STATE BOARD OF EDUCATION****AN ACT TO AMEND CHAPTER 1 OF TITLE 14 OF THE  
DELAWARE CODE OF 1953, RELATING TO THE STATE  
BOARD OF EDUCATION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Paragraph 121 of Chapter 1 of Title 14, Delaware Code of 1953, is amended by adding an additional paragraph to said section to read as follows:

In addition to the above powers, the Board is empowered to enter into contracts with states bordering on the State of Delaware or with agencies, political sub-divisions, or school districts of such states for the establishment and operation of joint educational facilities wherever it is found by the Board that such joint facilities would be of greater educational value to the citizens of the State of Delaware than separate facilities.

Approved June 22, 1953.

## CHAPTER 164

### APPROPRIATION

#### DISABLED AMERICAN VETERANS OF DELAWARE

#### **AN ACT APPROPRIATING MONEY TO THE DISABLED AMERICAN VETERANS OF DELAWARE.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each House concurring therein):*

Section 1. That the sum of One Thousand (\$1,000.00) Dollars be and the same is hereby appropriated to the Disabled American Veterans of Delaware for operation expenses for the biennium beginning July 1, 1953 and ending June 30, 1955. Five Hundred (\$500.00) Dollars of said sum shall be paid within three months after July 1, 1953 and a like sum of Five Hundred (\$500.00) Dollars shall be paid within three months after July 1, 1954 to the service officer.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Funds of the State Treasury not otherwise appropriated.

Approved June 23, 1953.

## CHAPTER 165

## APPROPRIATION

## CERTAIN FIRE COMPANIES

**AN ACT APPROPRIATING MONEY TO CERTAIN FIRE COMPANIES IN THE STATE OF DELAWARE.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the members of each House concurring therein):*

Section 1. That to each and every Fire Company in the State of Delaware, outside the limits of the City of Wilmington, which was on the first day of July, A. D. 1952, and is now duly organized and equipped for the fighting of fires, there is hereby appropriated the sum of Fifteen Hundred Dollars (\$1,500.00) annually for each of the fiscal years beginning July 1, 1953, and beginning July 1, 1954, to be used for the prevention and extinguishment of fires throughout the State and for the maintenance of apparatus and equipment.

The said sum of Fifteen Hundred Dollars (\$1,500.00) shall be paid by the State Treasurer to each of the said Fire Companies within three months after the beginning of each of said fiscal years; and a certificate of the Secretary of Delaware Volunteer Firemen's Association to the effect that a Fire Company was on the first day of July, A. D. 1952, and is now duly organized and equipped for the fighting of fires shall be sufficient authority for the payment of said sum of Fifteen Hundred Dollars (\$1,500.00) by the State Treasurer to said Fire Company.

Section 2. That this Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Funds of the State Treasury, not otherwise appropriated.

Approved June 23, 1953.

## CHAPTER 166

## APPROPRIATION

## VETERANS OF FOREIGN WARS

**AN ACT APPROPRIATING MONEY TO THE VETERANS OF  
FOREIGN WARS, DEPARTMENT OF DELAWARE.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the members elected to each House concurring therein):*

Section 1. That the sum of Three Thousand Dollars (\$3,000.00) be and the same is hereby appropriated to the Veterans of Foreign Wars, Department of Delaware, for operation expenses for the biennium beginning July 1, 1953 and ending June 30, 1955. Fifteen Hundred Dollars (\$1,500.00) of said sum shall be paid within three months after July 1, 1953 and a like sum of Fifteen Hundred Dollars (\$1,500.00) shall be paid within three months after July 1, 1954, to the duly elected Finance Officer of the Veterans of Foreign Wars, Department of Delaware, upon warrants signed by the said Finance Officer and approved by the Auditor of Accounts.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Funds of the State Treasury not otherwise appropriated.

Approved June 23, 1953.

## CHAPTER 167

## APPROPRIATION

## AMERICAN LEGION, DEPARTMENT OF DELAWARE

**AN ACT APPROPRIATING MONEY TO THE AMERICAN  
LEGION, DEPARTMENT OF DELAWARE.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all members of each House concurring therein):*

Section 1. The sum of Four Thousand Dollars (\$4,000.00) is appropriated to the American Legion, Department of Delaware, for operation expenses for the biennium beginning July 1, 1953 and ending June 30, 1955. Two Thousand Dollars (\$2,000.00) of said sum shall be paid within three months after July 1, 1953 and a like sum of Two Thousand Dollars (\$2,000.00) shall be paid within three months after July 1, 1954, to the duly elected Finance Officer of the American Legion, Department of Delaware, upon warrants signed by the said Finance Officer and approved by the Auditor of Accounts.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Funds of the State Treasury not otherwise appropriated.

Approved June 23, 1953.

## CHAPTER 168

## APPROPRIATION

## CERTAIN FIRE COMPANIES WHICH MAINTAIN AMBULANCES

**AN ACT APPROPRIATING MONEY TO CERTAIN FIRE COMPANIES IN THE STATE OF DELAWARE WHICH MAINTAIN AND OPERATE AN AMBULANCE.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the members elected to each House thereof concurring therein):*

Section 1. That to each and every fire company in the State of Delaware, outside the limits of the City of Wilmington, which does on the first day of June, A. D. 1953, maintain and operate and does continue to maintain and operate an ambulance for the purpose of public service, there is appropriated the sum of Five Hundred Dollars (\$500.00) annually for each of the fiscal years beginning July 1, 1953, and beginning July 1, 1954, to be used for the maintenance and operation of said ambulance in the public service.

The said sum of Five Hundred Dollars (\$500.00) shall be paid by the State Treasurer to each of the said fire companies maintaining and operating an ambulance in the public service within three months after the beginning of each of said fiscal years; and a certificate of the Secretary of Delaware Volunteer Firemen's Association to the effect that a fire company did on the first day of June A. D. 1953, and does continue to maintain and operate an ambulance in the public service shall be sufficient authority for the payment of said sum of Five Hundred Dollars (\$500.00) by the State Treasurer to said fire company.

Section 2. This act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated by Section 1 of this act shall be paid out of the General Funds of the State Treasury not otherwise appropriated.

Approved June 23, 1953.

## CHAPTER 169

## REGARDING INDIGENT SICK OF NEW CASTLE COUNTY

**AN ACT TO AMEND TITLE 9, DELAWARE CODE OF 1953,  
ENTITLED "COUNTIES" IN REGARD TO INDIGENT  
SICK OF NEW CASTLE COUNTY.**

WHEREAS, the 116th General Assembly enacted and the Governor approved a bill now known as Chapter 208, Volume 48, Laws of Delaware, whereby the Levy Court was authorized in its discretion annually to appropriate for the relief of the indigent sick, resident in New Castle County the sum of \$235,000 in addition to any other sum theretofore authorized, AND

WHEREAS, the said provision of law does not appear in the Delaware Code of 1953, NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1801, Title 9, Delaware Code of 1953 is amended by adding thereto the following new paragraph:

The Levy Court of New Castle County may, in its discretion, annually appropriate an additional sum of \$235,000 for the relief of the indigent sick, resident in such County.

Approved June 23, 1953.



## CHAPTER 170

## RELATING TO SOIL CONSERVATION DISTRICT OF KENT COUNTY

**AN ACT AUTHORIZING THE BOARD OF SOIL DISTRICT SUPERVISORS OF THE SOIL CONSERVATION DISTRICT OF KENT COUNTY TO CERTIFY THAT CERTAIN MONEYS ALREADY RECEIVED OR HEREINAFTER RECEIVED, FOR CONSTRUCTION OF A DITCH KNOWN AS THE SOUTH HERRING BRANCH DITCH, LOCATED EAST OF DOVER, DELAWARE, HAVE BEEN COLLECTED IN ACCORDANCE WITH THE REQUIREMENTS OF HOUSE BILL NO. 71, PASSED BY THE 117TH GENERAL ASSEMBLY, WHEN AND IF SAID DITCH BECOMES A LEGAL TAX DITCH.**

WHEREAS, a group of farmers near Dover, Delaware, entered into an agreement with and had construction performed by the Board of Soil District Supervisors of the Soil Conservation District of Kent County in connection with the ditch known as the South Herring Branch Ditch, located east of Dover, Delaware; and

WHEREAS, this group believed when this work was undertaken that State and County funds could be used from current appropriations to defer up to fifty per cent (50%) of the cost of this project; and

WHEREAS, this group actually deposited with said Board one-half of the estimated cost of said project as evidence of their good faith; and

WHEREAS, this group has now learned that it does not have status as a legal tax ditch and it is, therefore, not possible for such funds to be made available to them; and

WHEREAS, it is the intention of this group to form a legal tax ditch at this time; and

WHEREAS, House Bill No. 71, having been enacted into law by this, the 117th General Assembly, appropriated to the State Soil Conservation Commission the sum of Twelve Thou-

sand Five Hundred Dollars (\$12,500.00) for each of the fiscal years during the next biennium, and directed the Levy Court of Kent County to make similar appropriations to the State Soil Conservation Commission, to be used for the purpose of contributing to the cost of work done on tax ditches of Kent County, and therefore no further appropriation is necessary to carry out the purposes of this act; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The Board of Soil District Supervisors of the Soil Conservation District of Kent County is authorized to certify to the State Treasurer and the Levy Court of Kent County, that certain moneys already collected or received, or hereinafter received, by said Board, for the construction of a ditch known as South Herring Branch Ditch, located east of Dover, Delaware, have been collected or received in accordance with the provisions of House Bill No. 71, enacted into law by the 117th General Assembly, when and if said ditch becomes a legal tax ditch, provided said ditch becomes a legal tax ditch prior to June 30, 1955.

Approved June 23, 1953.

## CHAPTER 171

## AUTHORIZING ST. ANDREWS CHURCH TO DISINTER BODIES

**AN ACT AUTHORIZING "ST. ANDREWS CHURCH, WILTON, DELAWARE", A DELAWARE CORPORATION, SITUATE AT EIGHTH AND SHIPLEY STREETS IN THE CITY OF WILMINGTON, NEW CASTLE COUNTY, STATE OF DELAWARE, TO DISINTER AND REMOVE FROM THE OLD AND LONG UNUSED CEMETERY OF SAID CHURCH THE BODIES NOW BURIED THEREIN AND REINTER SAID BODIES IN CONSECRATED GROUND UNDER THE SAID CHURCH.**

WHEREAS, at Eighth and Shipley Streets, in the City of Wilmington, in New Castle County, State of Delaware, there is a very small and very old cemetery on the property of and belonging to St. Andrews Church, Wilmington, Delaware, a Delaware corporation, immediately adjoining the Church Building of said Church; and

WHEREAS, the said cemetery has not been used for burial purposes for a great many years; and

WHEREAS, the said Church desires to make the said cemetery lot available for enlarging or rebuilding its Church Building or its Parish House or both, the said cemetery lot being very small and so closely situated as to prevent any enlargement or rebuilding of the Church Building or Parish House without the use of said cemetery lot for such purpose; and

WHEREAS, there are not more than twenty-five or thirty graves in the said cemetery, all very old and in which the bodies have been buried for many years, and it is the intent and purpose of the Rector, Wardens and Vestry of the said Church, with the consent and approval of the relatives of the deceased persons therein buried, carefully to disinter the bodies of the deceased persons buried in said cemetery and reinter said bodies in consecrated ground under the said Church; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The Rector, Wardens and Vestry of St. Andrews Church, Wilmington, Delaware, a Delaware corporation, are hereby authorized and fully empowered carefully and properly to disinter and remove all the bodies from the said cemetery and carefully and properly reinter the said bodies in consecrated ground under the said Church.

Section 2. Before removing any of the said bodies from the said cemetery, the said Rector, Wardens and Vestry shall first make reasonable effort to get the consent in writing of the relatives of the said deceased persons whose bodies are therein buried and which bodies they propose to remove; and if said Rector, Wardens and Vestry are unable to find such relatives or any of them, they shall advertise in at least one daily newspaper in the City of Wilmington, at least once a week for three successive weeks, that they propose removing said bodies in accordance with this Act; and if, after such advertising, or as a result of such advertising, the said Rector, Wardens and Vestry are not able to find said relatives or any of them, and no objection is made by any known relative, then and in such event, the said Rector, Wardens and Vestry shall be presumed to have secured the consent of any and all of such relatives as provided in this act.

Section 3. All acts or parts of acts inconsistent with the provisions of this Act are repealed to the extent and only to the extent of such inconsistency.

Approved June 23, 1953.

## CHAPTER 172

## APPROPRIATION

## FOR PURCHASE OF ADDITIONAL SETS OF CODE

**AN ACT APPROPRIATING FUNDS TO THE REVISED CODE COMMISSION FOR THE PURCHASE OF ADDITIONAL SETS OF THE DELAWARE CODE OF 1953.**

WHEREAS, a contract for the printing of the Delaware Code of 1953 has been entered into on behalf of the State by the Revised Code Commission under the authority of the provisions of Chapter 377, Volume 47, Laws of Delaware and Chapter 128, Volume 48, Laws of Delaware, and

WHEREAS, the said contract provides for the purchase of 1,000 bound sets of said Code, and

WHEREAS, it is apparent that 1,000 sets will not be a sufficient supply, and

WHEREAS, additional sets may be ordered at this time at less than one-third the cost of the original 1,000 sets, and

WHEREAS, if additional sets are not ordered at this time the type for the said Code will be destroyed; NOW, THEREFORE

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is appropriated to the Revised Code Commission the sum of \$65,000 or so much thereof as may be necessary for the purchase of 1,500 additional sets of the Delaware Code of 1953.

This is a supplementary appropriation bill and the funds hereby appropriated shall be paid out of the General Fund of the State of Delaware not otherwise appropriated, upon vouchers submitted to the State Treasurer by the Commission, and any funds hereby appropriated remaining unexpended after the purchase of the sets of the Code herein provided for shall revert to the General Fund.

Approved June 24, 1953.

## CHAPTER 173

## APPROPRIATION

## WOODS HAVEN SCHOOL FOR GIRLS

**AN ACT APPROPRIATING MONEY TO THE WOODS HAVEN SCHOOL FOR GIRLS.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all Members of each Branch thereof concurring therein):*

Section 1. There is hereby appropriated to the Woods Haven School for Girls, the sum of Sixty-six Thousand Two Hundred Eighty Dollars (\$66,280.00) for the fiscal year beginning July 1, 1953, and the sum of Sixty-four Thousand Four Hundred Thirty Dollars (\$64,430.00) for the fiscal year beginning July 1, 1954, for the maintenance and training of girls committed thereto, and for salaries, wages and for operation.

Said sums shall be paid to the school from time to time upon vouchers signed by the proper school authorities. The sums hereby appropriated shall be used by the school for the purposes and in the amounts shown below:

	Year beginning July 1,	
	1953	1954
Salaries and wages of employees .....	\$33,500.00	\$35,050.00
Office expense .....	1,100.00	1,100.00
Travel .....	1,800.00	1,800.00
Operations .....	25,380.00	22,880.00
Repairs and replacements .....	4,500.00	3,600.00
	<hr/>	<hr/>
	\$66,280.00	\$64,430.00

Section 2. This act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved June 26, 1953.

## CHAPTER 174

DIRECTING THE REPAIR OF DIKES IN CITY OF NEW CASTLE

**AN ACT DIRECTING THE STATE HIGHWAY DEPARTMENT  
OF THE STATE OF DELAWARE TO REPAIR OR RE-  
CONSTRUCT CERTAIN DIKES AND TIDE GATES  
ALONG THE DELAWARE RIVER IN THE CITY OF NEW  
CASTLE AND APPROPRIATING MONEY THEREFOR.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The State Highway Department of the State of Delaware is directed to repair or reconstruct the dikes and tide gates located along the Delaware River at the foot of Third Street and North of the old ferry slip in the City of New Castle, and to place each thereof in such condition that tidal waters of the Delaware River will not overflow the river banks at those places and damage the public highways adjacent thereto.

Section 2. The sum of One Hundred Thousand Dollars (\$100,000.00) is appropriated for the purposes stated, and the State Treasurer is directed to pay the amount appropriated upon proper vouchers drawn by the State Highway Department.

Section 3. The State Highway Department shall without delay proceed to carry into effect the purposes of this Act and the sum hereby appropriated shall remain available for said purposes until the purposes of this Act have been fully carried out.

Section 4. This bill shall be known as a Supplementary Appropriation Act and the moneys hereby appropriated shall be paid out of the General Fund of the State Treasury from sums not otherwise appropriated.

Approved June 26, 1953.

## CHAPTER 175

## APPROPRIATION

## SUSSEX POST AMERICAN LEGION

**AN ACT APPROPRIATING MONEY TO AMERICAN LEGION,  
SUSSEX POST NUMBER 8, IN SUSSEX COUNTY, WITH  
WHICH TO OPERATE AND MAINTAIN AN AMBU-  
LANCE.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each House thereof concurring therein):*

Section 1. There is hereby appropriated unto the American Legion, Sussex Post Number 8, in Sussex County, the sum of Five Hundred Dollars (\$500.00) annually for each of the fiscal years beginning July 1, 1953, and beginning July 1, 1954, to be used for the operation and maintenance of its ambulance in the public service.

Section 2. Said sum of Five Hundred Dollars (\$500.00) annually, as aforesaid, shall be paid by the State Treasurer to said American Legion, Sussex Post Number 8, in Sussex County, within three months after the beginning of each of said fiscal years; and a certificate of the Secretary of said American Legion, Sussex Post Number 8, in Sussex County, to the effect that said Post does operate and maintain an ambulance in the public service shall be sufficient authority for the payment of said sum of Five Hundred Dollars (\$500.00) by the State Treasurer to said Post.

Section 3. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved June 26, 1953.



## CHAPTER 176

### APPROPRIATION

#### DELAWARE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

#### **AN ACT APPROPRIATING MONEY TO THE DELAWARE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each House concurring therein):*

Section 1. The sum of Two Thousand Dollars (\$2,000.00) is appropriated to the Delaware Society for the Prevention of Cruelty to Animals, for the biennium beginning July 1, 1953 and ending June 30, 1955, for salaries, wages and operational costs. One Thousand Dollars (\$1,000.00) of said sum shall be paid within three months after July 1, 1953, and a like sum of One Thousand Dollars (\$1,000.00) shall be paid within three months after July 1, 1954.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Funds of the State Treasury, not otherwise appropriated.

Approved June 26, 1953.

## CHAPTER 177

## APPROPRIATION

## AMERICAN LEGION FOR VETERANS AND DEPENDENTS

**AN ACT MAKING APPROPRIATIONS TO THE AMERICAN LEGION, DEPARTMENT OF DELAWARE, FOR THE FURNISHING OF SERVICES TO VETERANS AND THEIR DEPENDENTS.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all Members elected to each House concurring therein):*

Section 1. The sum of Eight Thousand Dollars (\$8,000.00) is appropriated to the American Legion, Department of Delaware, Four Thousand Dollars (\$4,000.00) for each of the fiscal years beginning July 1, 1953 and July 1, 1954. These sums shall be paid to the duly elected finance officer of said organization within three (3) months after the beginning of each fiscal year, the warrants for such sums to be signed by the finance officer and approved by the auditor of accounts.

Section 2. The funds hereby appropriated shall be used to furnish services through a duly selected service officer to veterans of the armed forces of the United States. These services shall include the handling of claims as claims attorney and as a research specialist, any and all claims that any veteran or his dependents may have against the Federal Government of the United States as a result of service during a national emergency or in peace-time. The services shall further include services by said service officer as contact agent for all veterans for employment and/or rehabilitation; assistance in procurement of State burial allowances; the procurement and assignment of attorneys to assist deserving veterans in civil court cases and to act as an intermediary to procure assistance, financial or otherwise, from State or private welfare organizations.

Section 3. The American Legion, Department of Delaware, shall through its service officer present at the beginning of each biennial session of the General Assembly of the State of

Delaware, a report to the Governor of the State and to the presiding officers of both branches of the General Assembly concerning the accomplishments during the preceding biennium, and also a detailed statement as to the expenditure of the appropriations hereby made.

Section 4. This Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Funds of the State Treasury not otherwise appropriated.

Approved June 26, 1953.

## CHAPTER 178

## APPROPRIATION

## VETERANS OF FOREIGN WARS FOR VETERANS AND DEPENDENTS

**AN ACT MAKING APPROPRIATIONS TO THE VETERANS OF FOREIGN WARS, DEPARTMENT OF DELAWARE, FOR THE FURNISHING OF SERVICES TO VETERANS AND THEIR DEPENDENTS.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all Members elected to each House concurring therein):*

Section 1. The sum of Eight Thousand Dollars (\$8,000.00) is appropriated to the Veterans of Foreign Wars, Department of Delaware, Four Thousand Dollars (\$4,000.00) for each of the fiscal years beginning July 1, 1953 and July 1, 1954. These sums shall be paid to the duly elected finance officer of said organization within three (3) months after the beginning of each fiscal year, the warrants for such sums to be signed by the finance officer and approved by the auditor of accounts.

Section 2. The funds hereby appropriated shall be used to furnish services through a duly selected service officer to veterans of the armed forces of the United States. These services shall include the handling of claims as claims attorney and as a research specialist, any and all claims that any veteran or his dependents may have against the Federal Government of the United States as a result of service during a national emergency or in peace-time. The services shall further include services by said service officer as contact agent for all veterans for employment and/or rehabilitation; assistance in procurement of State burial allowances; the procurement and assignment of attorneys to assist deserving veterans in civil court cases and to act as an intermediary to procure assistance, financial or otherwise, from State or private welfare organizations.

Section 3. The Veterans of Foreign Wars, Department of Delaware, shall through its service officer present at the beginning of each biennial session of the General Assembly of the

State of Delaware, a report to the Governor of the State and to the presiding officers of both branches of the General Assembly concerning the accomplishments during the preceding biennium, and also a detailed statement as to the expenditure of the appropriations hereby made.

Section 4. This Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Funds of the State Treasury not otherwise appropriated.

Approved June 26, 1953.

## CHAPTER 179

## RELATING TO MAINTENANCE OF TRAFFIC CONTROL DEVICES

**AN ACT TO AMEND TITLE 21, DELAWARE CODE OF 1953,  
WITH RESPECT TO THE AUTHORITY OF MUNICIPAL-  
ITIES IN THE PLACING AND MAINTENANCE OF  
TRAFFIC CONTROL DEVICES ON STATE HIGHWAYS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 506, Title 21, Delaware Code of 1953 is amended by striking out and repealing all of said section and inserting in lieu thereof the following:

**§ 506. Erection of traffic control signals**

(a) The State Highway Department, with reference to State highways under its jurisdiction, may erect and maintain traffic control signals, being any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop or proceed.

(b) Incorporated cities and towns in the State, with reference to State highways within the corporate limits, may erect and maintain such traffic control signals as shall be authorized by proper ordinance of the city or town and by the State Highway Department.

Section 2. The provisions of this Act shall in no way apply or relate to the city of Wilmington.

Approved June 26, 1953.

## CHAPTER 180

## RELATING TO WILMINGTON FIREMEN'S PENSION FUND

**AN ACT TO AMEND CHAPTER 118, VOLUME 33, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT PROVIDING FOR A FIREMEN'S PENSION FUND FOR MEMBERS OF THE BUREAU OF FIRE OF THE DEPARTMENT OF PUBLIC SAFETY OF THE CITY OF WILMINGTON" BY PROVIDING FOR A BASE MONTHLY MINIMUM PENSION PAYMENT.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of the Members of each Branch thereof concurring therein):*

WHEREAS, it is desirous that the minimum monthly payment to pensioners of this Department, regardless of whether or not the pensioners are now receiving pension payments or will receive the same in the future, should be not less than a stated sum and that the same provision should be applicable to widows of pensioners.

Section 1. Section 1, Chapter 118, Volume 33, Laws of Delaware (1923), is amended by adding at the end thereof another paragraph to read:

"Any member or former member of the Bureau of Fire of the Department of Public Safety of the City of Wilmington, whether he is presently receiving a pension or shall be entitled to the same in the future, shall receive a minimum pension payment of not less than the sum of One Hundred Fifty Dollars (\$150.00) per month, regardless of his salary at the time of his retirement. Any widow of any member of the Bureau of Fire of the Department of Public Safety of the City of Wilmington whose husband shall have been entitled to a pension, shall receive as a monthly payment a minimum amount of Seventy-five Dollars (\$75.00). This provision shall also apply to widows of pensioners whether the same now are presently receiving pensions or will receive a pension payment in the future."

Section 2. This Act shall become effective July 1, 1953.

Approved June 26, 1953.

## CHAPTER 181

## CONVEYANCE OF REAL PROPERTY

**AN ACT TO AMEND TITLE 25, DELAWARE CODE OF 1953  
RELATING TO "PROPERTY" BY VALIDATING AS  
DEEDS CERTAIN INSTRUMENTS INTENDED TO BE  
CONVEYANCES OF REAL PROPERTY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 131, Title 25, Delaware Code of 1953 is amended by striking the words and figures "January 1, 1947" as they appear in line 3 thereof and substituting the following words and figures "January 1, 1953".

Section 2. § 131, Title 25, Delaware Code of 1953 is further amended by striking out the words "as the act and deed of such persons," as the same appear in line 7 thereof.

Approved June 26, 1953.



## CHAPTER 182

### RELATIVE TO MAINTAINING AMBULANCES BY VOLUNTEER FIRE COMPANIES

#### **AN ACT AUTHORIZING THE LEVY COURTS OF KENT AND SUSSEX COUNTIES TO APPROPRIATE COUNTY MON- EYS TO ALL VOLUNTEER FIRE COMPANIES IN SAID COUNTIES MAINTAINING AMBULANCES, FOR THE MAINTENANCE OF SUCH AMBULANCES.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. The Levy Courts of Kent and Sussex Counties shall and are hereby authorized and directed to appropriate the sum of Five Hundred Dollars (\$500.00) annually to each and every volunteer fire company in said counties that maintains an ambulance, to be used for the purpose of the maintenance of such ambulance.

The said sum of Five Hundred Dollars (\$500.00) shall be paid by the Levy Courts of Kent and Sussex Counties to such volunteer fire companies on the first day of May of each year, except for those volunteer fire companies to whom the said Levy Courts have already been authorized to appropriate such sums by the 117th General Assembly of this State.

Approved June 26, 1953.

## CHAPTER 183

## DELAWARE STATE APPLE COMMISSION

**AN ACT TO AMEND CHAPTER 51, TITLE 3, DELAWARE CODE OF 1953 RELATING TO DELAWARE STATE APPLE COMMISSION; POWERS AND DUTIES OF THE COMMISSION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 5103, Chapter 51, Title 3, Delaware Code of 1953 is amended by adding at the end thereof a new subsection to read as follows:

(f) The Commission shall have power to subpoena any grower, his agents and employees, for the purpose of giving any testimony before any hearing or investigation conducted before or by the Commission, and to issue subpoenas duces tecum for any papers or records of any grower relating to the grower's apple business.

Approved June 26, 1953.

## CHAPTER 184

### APPROPRIATION

#### ENGINEERING SURVEY—DELAWARE COMMISSION FOR FEEBLE-MINDED

#### **AN ACT TO MAKE AN APPROPRIATION FOR A COMPLETE ENGINEERING SURVEY OF THE PHYSICAL FACILI- TIES OF THE DELAWARE COMMISSION FOR THE FEEBLE-MINDED.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. The sum of \$10,000 or so much thereof as may be necessary is appropriated to the Governor to be expended by him with the advice and consent of the Budget Commission for a complete engineering survey of all the physical facilities under the jurisdiction of the Delaware Commission for the Feeble-Minded with a view to establishing a long term building program for the improvement of such facilities.

Section 2. The money hereby appropriated shall be paid from time to time by warrants signed by the Governor and approved by the Budget Commission and the Auditor of Accounts. The funds herein appropriated shall not revert to the General Fund at the end of any fiscal year but shall remain and be available until the project is completed and paid for at which time whatever remains will revert to the General Fund.

Section 3. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved June 26, 1953.

## CHAPTER 185

## RELATING TO CORPORATION FRANCHISE TAX

**AN ACT TO AMEND CHAPTER 5, TITLE 8, DELAWARE CODE OF 1953 RELATING TO THE CORPORATION FRANCHISE TAX.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 5, Title 8, Delaware Code of 1953 is amended so as to add the following new section:

**§ 518. Relief for corporations with assets in certain unfriendly nations**

All corporations incorporated and existing under the laws of the State of Delaware, all of whose assets are located in any country from which it is impossible to remove such assets or withdraw income or whose assets are located at any place where it is made unlawful by any law of the United States of America now or hereafter enacted or by any rule, regulation or proclamation or executive order issued under any such law to send any communications, may, in the discretion of the State Tax Board, be relieved and freed from any and all assessment of franchise taxes provided for by this chapter and such corporations may further be relieved by the State Tax Board of the necessity of filing any State reports due or required.

The State Tax Board shall administer the provisions of this section and may require such evidence, submitted by any officer or agent, as in its judgment may be necessary or desirable to determine whether or not a corporation deserves such relief from taxes and the filing of reports, may make such regulations in relation thereto as it may deem desirable or necessary and shall certify to the Tax Department and the Secretary of State the names of all corporations which the said Board has classified as entitled to relief hereunder.

Section 2. The effective date of this act shall be February 9, 1953.

Approved June 26, 1953.

CHAPTER 186

APPROPRIATION

CLARA E. SPARR

**AN ACT APPROPRIATING CERTAIN MONIES TO CLARA E. SPARR FOR ADDITIONAL SALARY TO WHICH SHE WAS ENTITLED TO BE PAID AS A NURSE AT THE JOHN BASSETT MOORE SCHOOL AT SMYRNA.**

WHEREAS, Clara E. Sparr is employed by the Board of Education at the John Bassett Moore School at Smyrna as a school nurse; and

WHEREAS, the said Clara E. Sparr was so employed during the 1950-1951 school year; and

WHEREAS, in January of 1951 the said Clara E. Sparr completed her course for a regular nurse's certificate entitling her to an additional salary of Twenty Dollars (\$20.00) per month over and above that which was actually received by her; and

WHEREAS, through an oversight the said Clara E. Sparr neglected to inform the Board of Health before February, 1951, of the fact of her completion of said course; and

WHEREAS, the said Clara E. Sparr is entitled to Twenty Dollars (\$20.00) per month for the months of February, March, April, May and June of 1951, making a total of One Hundred Dollars (\$100.00); and

WHEREAS, the said State Board of Education would have paid the aforesaid salary if it had funds available for that purpose; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. That the State Treasurer is directed to pay to Clara E. Sparr, within thirty (30) days, the sum of One Hundred (\$100.00) in payment of the additional salary to which she is

entitled as a school nurse in the John Bassett Moore School in Smyrna, Delaware, for the months of February, March, April, May and June of 1951.

Section 2. This act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury, not otherwise appropriated.

Approved June 26, 1953.

## CHAPTER 187

## RELATING TO MOTOR VEHICLES

**AN ACT TO AMEND CHAPTER 29, TITLE 21, DELAWARE CODE OF 1953, ENTITLED "MOTOR VEHICLES" RELATING TO REPORTS OF ACCIDENTS TO THE DEPARTMENT OF MOTOR VEHICLES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Subsection (a) of Section 2909, Title 21, Delaware Code of 1953, is amended to read as follows:

**§ 2909. Reporting of accidents; suspension of license for non-compliance**

(a) The Commissioner shall require all persons involved in accidents coming under Section 2921 of this title, subdivisions 5, 6, 7 and 8 of Section 2922 of this title and Section 2925 of this title to make reports of such accidents on forms furnished by the Department of Motor Vehicles within five days from the date of such accidents provided the person is sufficiently mentally and physically able to make such reports. In the event a person is unable either mentally or physically to make such reports, then they shall be exempted under this section from making such report of accidents until such time as the disability is removed, at which time they shall make the report required within five days from date the disability is removed. The burden of proving such disability is on the person claiming the exemption.

Approved June 26, 1953.

## CHAPTER 188

ELIMINATING NECESSITY OF A JUSTICE OF THE PEACE MAKING  
SEMI-ANNUAL REPORTS TO STATE AUDITOR

**AN ACT TO AMEND TITLE 11, DELAWARE CODE OF 1953,  
RELATING TO "CRIMES AND CRIMINAL PROCEDURE"  
BY ELIMINATING THE NECESSITY OF A JUSTICE OF  
THE PEACE MAKING SEMI-ANNUAL REPORTS TO  
THE STATE AUDITOR.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Chapter 59 of Title 11, Delaware Code of 1953  
is amended by repealing all of § 5921.

Approved June 26, 1953.



## CHAPTER 189

## RESPECTING DELAWARE COMMISSION FOR BLIND

**AN ACT TO AMEND TITLE 31 DELAWARE CODE OF 1953  
ENTITLED "WELFARE" IN RESPECT TO THE DUTIES  
OF THE DELAWARE COMMISSION FOR THE BLIND  
WITH REFERENCE TO THE EDUCATION AND TRAIN-  
ING OF THE BLIND.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2110, Title 31, Delaware Code of 1953 is amended by striking out and repealing in the title of the Section the words "and Governor".

Section 2. § 2110, Title 31, Delaware Code of 1953 is further amended by striking out and repealing all of subsection (c) thereof and inserting a new subsection to read as follows:

(c) A parent, guardian or other person having custody or control of any blind child shall make application to the Commission for instruction and training for the child upon receipt of a notice from the Commission to that effect. The Commission shall grant or refuse such application at its discretion.

The amount paid by the Commission to any school or institution outside Delaware for the education of each Delaware blind child enrolled therein shall not be greater than the amount paid by the State in which the institution is located for each of its blind children enrolled therein.

Section 3. § 2111, Title 31, Delaware Code of 1953 is amended by striking out and repealing the words "deaf and idiotic" as they appear in the third and fourth lines thereof.

Section 4. § 2112, Title 31, Delaware Code of 1953 is amended by striking out and repealing the entire section and inserting in lieu thereof the following new section:

**"§ 2112. Payments for vocational rehabilitation**

(a) The Delaware Commission for the Blind is the authorized agency for vocational rehabilitation of the blind of Delaware and may pay for the training, maintenance and physical restoration of the blind of this State who are found to be eligible for vocational rehabilitation.

(b) All payments authorized by this section shall be made by the State Treasurer upon proper voucher."

Section 5. The effective date of this act shall be July 1, 1953.

Approved June 26, 1953.

CHAPTER 190

DEFICIENCY APPROPRIATION

DELAWARE LIQUOR COMMISSION

**AN ACT MAKING A SUPPLEMENTARY AND DEFICIENCY  
APPROPRIATION TO THE DELAWARE LIQUOR COM-  
MISSION IN THE SUM OF TWO THOUSAND DOLLARS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. There is appropriated to the Delaware Liquor Commission the sum of Two Thousand Dollars (\$2,000.00).

Section 2. This Act shall be known as a Supplementary and a deficiency appropriation bill and the funds hereby appropriated are to be paid out of the General Fund of the State Treasury from funds not otherwise appropriated. Any of the funds appropriated herein that are not expended during the fiscal year ending June 30, 1953 will revert to the General Fund of the State.

Approved June 26, 1953.

## CHAPTER 191

## INCREASING OVERALL HEIGHTS OF MOTOR VEHICLES

**AN ACT TO AMEND TITLE 21, DELAWARE CODE OF 1953, RELATING TO "MOTOR VEHICLES" BY INCREASING THE OVERALL HEIGHT OF AUTOMOBILE TRANSPORTS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 4502, Title 21, Delaware Code of 1953, is amended by striking out all of subsection (b) thereof and substituting the following:

(b) No vehicle, unladen or with load, shall exceed a height of 12' 6", except automobile transports, unladen or with load, shall be allowed an overall height not exceeding 13' 6".

Neither the State of Delaware, any agency or subdivision thereof, nor any person, firm or corporation, shall be required to raise, alter, construct or reconstruct any under pass, wire, pole, trestle or other structure to permit the passage of any vehicle having a height, unladen or with load, in excess of 12' 6".

The liability for damage to any structure caused by any vehicle having a height in excess of 12' 6" shall be borne by the owner of the vehicle.

The term "automobile transport" as used, shall be restricted only to vehicles engaged exclusively in transporting automobiles, trucks and commercial vehicles.

All automobile transports, interstate or intrastate, shall be insured against personal injury loss and property damage loss in keeping with the requirements of the Interstate Commerce Commission relating to interstate automobile transport carriers.

Approved June 26, 1953.

## CHAPTER 192

## RELATING TO HARNESS RACING

**AN ACT TO AMEND SECTION 522 OF TITLE 28, DELAWARE CODE OF 1953 PERTAINING TO LICENSES FOR HARNESS HORSE RACING; THE AWARD OF DATES AND MAXIMUM RACING DAYS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 522, (a), Title 28, Delaware Code of 1953 is amended to read as follows:

(a) The application for a license to conduct a harness horse race meet shall be filed with the Commission on or before a day fixed by the Commission. The application shall specify the days on which harness horse racing is desired to be conducted, and shall be in such form and supply such data and information, including a blue print of the track and specifications of its surface and blue prints and specifications of buildings and grandstand on the land where the meet is to be conducted, as the Commission prescribes.

The blue prints and specifications shall be subject to the approval of the Commission, which, at the expense of the applicant, may order such engineering examination thereof as to the Commission seems necessary. The erection and construction of the track, grandstand and buildings of any applicant for a license to conduct harness horse racing under this chapter, shall be subject to the inspection of the Commission, which may order such engineering examination as the Commission deems necessary at the expense of the applicant, and may employ such inspectors as the Commission considers necessary for that purpose.

In the event that an application is made for racing dates in Sussex County in compliance with subsection (c) of this section, it shall not be necessary for the applicant to submit blue prints and specifications with their application if the applicant plans to assign those dates applied for to another county.

Section 2. § 522, (c), Title 28, Delaware Code of 1953 is amended to read as follows:

(c) The Commission shall, on or before the 15th day of January of each year, award all dates for harness horse racing in this State within the current year, but the dates so awarded shall not exceed sixty (60) days in the aggregate for the entire State, and not more than twenty (20) days in the aggregate for any county. The dates awarded to Kent County shall be used for racing only in Kent County and the dates awarded to New Castle County shall be used for racing only in New Castle County and the dates awarded to Sussex County shall be used for racing in said county or, with the prior approval of the Commission, the Sussex County licensee may assign not more than ten (10) days to a corporation duly licensed by the Commission for the current year to conduct harness racing in Kent County and not more than ten (10) days to any such licensee in New Castle County. In the event the harness racing dates as applied for do not conflict with each other or with the horse racing dates awarded under Chapter 3 of this title, then and in that event, the Commission shall award the dates applied for.

Section 3. § 522, (d), Title 28, Delaware Code of 1953 is amended to read as follows:

(d) No more than thirty (30) days of harness horse racing shall be held in any one county in this State within any one (1) year and no more than two (2) meetings shall be held in any one (1) county within this State in any one (1) year.

Section 4. § 522, Title 28, Delaware Code of 1953 is amended by adding a new subsection (f) to read as follows:

(f) No license to conduct harness racing under the provisions of this section shall be granted except to a private stock corporation formed and existing under the laws of the State of Delaware for the purpose of conducting harness racing and businesses incident thereto, in compliance with the following conditions and requirements:

(1) Before a license shall be issued under the provisions of this chapter, the applicant shall file with the Commission, in

addition to other requirements of this Chapter, the names, addresses and terms of office of its directors and officers and such other time or times thereafter as they may be changed, the names and addresses of such directors and officers; a copy of the Certificate of Incorporation duly certified by the Secretary of State of Delaware, and a copy of its by-laws. Such applicant shall file with the Commission a copy of any amendment to its Certificate of Incorporation, duly certified as aforesaid, within ten (10) days after the effective date of any such amendment.

(2) The Board of Directors of the applicant shall not be less than five (5) in number;

(3) The applicant shall have no other office except in the State of Delaware;

(4) Every applicant for a license shall file with the Commission at the time of application for a license a statement of its resources and liabilities. The Commission shall have access at all times to the books, records and accounts of the licensee.

(5) No license shall be issued unless a majority of the Board of Directors and officers shall be bona fide residents of the State of Delaware.

Section 5. All acts or parts of acts inconsistent with this Act are repealed to the extent of such inconsistency only.

Approved June 26, 1953.

## CHAPTER 193

## DEFICIENCY APPROPRIATION

## LOUIS L. REDDING JUNIOR HIGH SCHOOL

**AN ACT APPROPRIATING FUNDS TO THE LOUIS L. REDDING JUNIOR HIGH SCHOOL NO. 120-C, TO MEET A DEFICIENCY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of Eight Hundred Dollars (\$800.00) is appropriated to the Louis L. Redding Junior High School No. 120-C of Middletown, Delaware, to cover a deficiency in operating expenses of the school incurred and to be incurred during the remaining portion of the 1953 school term.

Section 2. This is a supplementary and deficiency appropriation and the monies herein appropriated shall be paid out of the General Fund of the State of Delaware.

Approved June 26, 1953.



## CHAPTER 194

## RELATING TO SOCIAL SECURITY

**AN ACT TO AMEND CHAPTER 57, TITLE 29, DELAWARE CODE OF 1953 RELATING TO SOCIAL SECURITY BY PERMITTING CERTAIN OFFICERS AND EMPLOYEES OF THE STATE AND LOCAL GOVERNMENTS TO BE EXCLUDED FROM COVERAGE UNDER THE SOCIAL SECURITY ACT; BY AUTHORIZING THE EXCLUSION OF ALL EMPLOYEES OF THE STATE FROM COVERAGE UNDER SAID ACT, AND BY INCREASING THE INTEREST RATE WHICH MAY BE CHARGED BY THE STATE AGENCY AGAINST ANY POLITICAL SUBDIVISION WHICH IS DELINQUENT IN THE PAYMENTS PROVIDED THEREIN.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 5703, Title 29, Delaware Code of 1953 is amended by adding to subsection (3) thereof the following:

"except that with respect to an agreement or modification thereof, entered into prior to January 1, 1954, the agreement or modification thereof may be effective with respect to such services performed on or after January 1, 1951."

Section 2. § 5703 (4), Title 29, Delaware Code of 1953 is amended by striking the final word "and" in said subsection, and by adding to the said subsection the following:

"provided, however, that services which may be excluded under the provisions of the Social Security Act may be excluded by the agreement; and provided further that the agreement may be drawn to exclude all employees of the State without prejudice to the right to cover employees of the State in a subsequent modification of the agreement; and"

Section 3. § 5703, Title 29, Delaware Code of 1953 is amended by adding to subsection (5) thereof the following:

"provided, however, that services which may be excluded under the provisions of the Social Security Act may be excluded by the Agreement."

Section 4. § 5706 (a), Title 29, Delaware Code of 1953 is amended by adding to subsection (2) thereof the following:

“provided, however, that services which may be excluded under the provisions of the Social Security Act may be excluded by the Agreement.”

Section 5. § 5706 (d), Title 29, Delaware Code of 1953 is amended by striking therefrom the words “four per cent” and substituting in lieu thereof the words “six per cent”.

Approved June 29, 1953.

## CHAPTER 195

## RELATING TO SOCIAL SECURITY

**AN ACT TO ESTABLISH A STATE EMPLOYEES' PENSION PLAN TO SUPPLEMENT BENEFITS PAYABLE UNDER THE SOCIAL SECURITY ACT.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 29, Delaware Code of 1953 is amended by adding thereto a new chapter to be known as "Chapter 55. State Employees' Pension Plan" the said new chapter to be Chapter 55, Title 29, Delaware Code of 1953 as it existed on August 31, 1953 as amended and with the amendments contained herein.

Section 2. § 5502, Chapter 55, Title 29, Delaware Code of 1953 is amended so as to add the following subsection (c):

(c) The State Treasurer is authorized to require submission by any covered employee or pensioner of such information or such documents as he shall find necessary for the proper administration of this chapter. Where he has reason to believe that an applicant for pension or a pensioner may be eligible for old age insurance benefits under the Federal Social Security Act, the State Treasurer shall require that evidence of application and of notice of award under the Federal Social Security Act shall be submitted promptly to him. Failure to make such submission shall result in postponement of any pension payments under this chapter until these requirements have been met. An initial or amended award of benefits under the Federal Social Security Act shall be promptly reported by the pensioner to the State Treasurer. Wilful withholding of information as to receipt of Federal Social Security benefits by a pensioner in order to increase the amount of his pension shall cause him to forfeit all his rights and benefits under this chapter.

Section 3. § 5523, Chapter 55, Title 29, Delaware Code of 1953 is amended to read as follows:

**§ 5523. Amount of benefits**

The pension shall be payable monthly and, subject to the limitation that the monthly payment shall not exceed \$250 nor be less than \$75, the monthly payment shall be one-sixtieth of the monthly retiring base salary multiplied by the number of years taken to the nearest twelfth part of a year, which the employee shall have served in covered employment during the period that ends on the date of retirement, that includes no interruptions from continuous covered employment except allowable interruptions aggregating not over 5 years.

Section 4. § 5524, Chapter 55, Title 29, Delaware Code of 1953 is amended to read as follows:

**§ 5524. Federal Social Security**

Benefits provided by this chapter shall be reduced to the extent of the old age insurance benefits (as such term is used in the Federal Social Security Act) paid to the pensioner.

Section 5. The increased benefits provided under this Act shall apply also to all persons entitled to State pensions under Chapter 55, Title 29, Delaware Code of 1953 as of August 31, 1953.

Section 6. The effective date of this Act is October 2, 1953.

Approved June 29, 1953.

## CHAPTER 196

### RELATING TO SOCIAL SECURITY

#### **AN ACT TO APPROPRIATE FUNDS FOR THE PAYMENT OF STATE CONTRIBUTIONS FOR EMPLOYEE COVERAGE UNDER THE SOCIAL SECURITY ACT.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is appropriated for payment of the State of Delaware's contribution for employee coverage under the Social Security Act the sum of \$212,250 for the fiscal year beginning July 1, 1953 and the sum of \$283,000 for the fiscal year beginning July 1, 1954.

Section 2. There is additionally appropriated the sum of \$47,000 for the fiscal year beginning July 1, 1953 and the sum of \$94,000 for the fiscal year beginning July 1, 1954. The funds appropriated by this section are to be made available by the Budget Commission for expenditure for the purposes of this Act if there is no change in the tax rates currently in effect in the Federal Insurance Contributions Act. Should such rates be reduced by the Congress of the United States to be effective at any time during the biennium beginning July 1, 1953, any portion of such funds no longer required for the purposes of this Act shall revert immediately to the General Fund.

Section 3. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved June 29, 1953.

## CHAPTER 197

## RELATING TO EMPLOYEES PENSION PLAN

**AN ACT TO REPEAL CHAPTER 55 OF TITLE 29 OF THE DELAWARE CODE OF 1953 RELATING TO THE EMPLOYEES' PENSION PLAN; TO CONTINUE CERTAIN PENSION RIGHTS; TO APPROPRIATE CERTAIN FUNDS.**

WHEREAS, it is the policy of this General Assembly to extend to employees of this State the basic protection accorded to others by the old-age and survivors' insurance system embodied in the Federal Social Security Act; and

WHEREAS, under existing law it is impossible to obtain Social Security benefits for State employees already covered by a State pension system; NOW, THEREFORE

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Subject to the other provisions of this act, Chapter 55 of Title 29, Delaware Code of 1953 as amended is repealed as of September 1, 1953.

Section 2. The repeal of Chapter 55 of Title 29, Delaware Code of 1953 is subject to the following provisos:

(a) Any person retired for service under such chapter and receiving or entitled to receive benefits thereunder prior to its repeal, shall continue to receive the same or shall continue to be entitled to receive the same to the same extent and in the same manner as if such chapter had not been repealed, but no services performed by any such person after August 31, 1953 shall be considered covered employment for purposes of this section.

(b) Any person retired for disability under such chapter and receiving benefits or entitled to receive benefits thereunder prior to its repeal, including any person covered by section 5541, Title 29, Delaware Code of 1953, shall, so long as he continues

to meet the tests therefor prescribed in such chapter, continue to receive the same or shall continue to be entitled to receive to the same extent and in the same manner as if such chapter had not been repealed. At such time as he shall cease to meet such requirements his benefits shall cease and as to him the chapter shall have no further application.

(c) The State Treasurer is continued as the chief administrative officer of the chapter repealed hereby, and the Disability Commission established under said chapter is continued for the purposes of supervising the items specified in this section.

Approved June 29, 1953.

## CHAPTER 198

## AUTHORIZING LEVY COURT TO REFUND TAXES

**AN ACT TO AUTHORIZE THE LEVY COURT OF KENT COUNTY TO REFUND CERTAIN AMOUNTS FOR PAYMENT OF COUNTY TAXES IN ERROR.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. That the Levy Court of Kent County be authorized to refund to the Estate of George E. Scott a sum of money not exceeding one hundred fifty dollars (\$150.00) to repay the Estate for taxes erroneously paid the Receiver of Taxes for Kent County, Delaware. The said error being made in duplicate payment of the aforesaid taxes.

Approved June 29, 1953.



## CHAPTER 199

## RELATING TO A DIKE ON RED LION CREEK CAUSEWAY

**AN ACT DIRECTING THE STATE HIGHWAY DEPARTMENT OF THE STATE OF DELAWARE TO REPAIR OR RE-CONSTRUCT A CERTAIN DIKE AND SLUICE GATE AT THE RED LION CREEK CAUSEWAY ON THE SHORE ROAD BETWEEN THE CITY OF NEW CASTLE AND DELAWARE CITY IN NEW CASTLE COUNTY, AND APPROPRIATING MONEY THEREFOR.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The State Highway Department of the State of Delaware is directed to repair or reconstruct a dike and sluice gate located at Red Lion Creek Causeway on the shore road between the City of New Castle and Delaware City, in New Castle County, putting it in such condition that tidal waters of the Delaware River will not overflow the river banks at that place and damage the public highway adjacent thereto.

Section 2. The sum of Eighty-Five Thousand Dollars (\$85,000.00) is appropriated for the purposes stated, and the State Treasurer is directed to pay the amount appropriated upon proper vouchers drawn by the State Highway Department.

Section 3. The State Highway Department shall without delay proceed to carry into effect the purposes of this Act and the sum hereby appropriated shall remain available for said purposes until the purposes of this Act have been fully carried out.

Section 4. This bill shall be known as a Supplementary Appropriation Act and the monies hereby appropriated shall be paid out of the General Fund of the State Treasury from sums not otherwise appropriated.

Approved June 29, 1953.

## CHAPTER 200

## AMENDING THE CHARTER OF REHOBOTH BEACH

**AN ACT TO AMEND THE CHARTER OF THE CITY OF REHOBOTH BEACH AS ESTABLISHED BY CHAPTER 161, VOLUME 41, LAWS OF DELAWARE, AND AS AMENDED BY CHAPTER 96, VOLUME 47, LAWS OF DELAWARE, AND BY CHAPTER 71, VOLUME 48, LAWS OF DELAWARE, BY INCREASING THE AMOUNT OF TAXES THAT MAY BE RAISED FOR MUNICIPAL PURPOSES.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each Branch thereof concurring therein):*

Section 1. That Section 1 of Chapter 71, Volume 48, Laws of Delaware, being an Act amendatory of the Charter of the City of Rehoboth Beach, be amended by striking out the words and figures "One Hundred and Twelve Thousand Five Hundred (\$112,500.00) Dollars" and by substituting therefor the words and figures "One Hundred and Twenty-Five Thousand (\$125,000.00) Dollars", to the end and purpose that the City of Rehoboth Beach may raise annually by taxation for municipal purposes a sum not exceeding One Hundred and Twenty-Five (\$125,000.00) Dollars.

Section 2. All Acts inconsistent herewith are hereby repealed.

Approved June 29, 1953.

## CHAPTER 201

## RELATING TO DYKES AT DELAWARE CITY

**AN ACT DIRECTING THE STATE HIGHWAY DEPARTMENT OF THE STATE OF DELAWARE TO REPAIR THE DYKES ALONG THE DELAWARE RIVER WITHIN THE TOWN LIMITS OF DELAWARE CITY IN NEW CASTLE COUNTY; APPROPRIATIONS THEREFOR.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The State Highway Department of the State of Delaware is directed to repair the dykes along the river within the Town Limits of Delaware City, and place them in such condition that the water does not overflow and cover the public highways leading into the Town of Delaware City, which is the condition now prevalent.

Section 2. The sum of Eight Thousand Dollars (\$8,000.00) is appropriated for the purpose stated, and the State Treasurer is directed to pay the amount appropriated upon proper vouchers drawn by the State Highway Department.

Section 3. The State Highway Department shall without delay proceed to carry into effect the purposes of this Act and the sum hereby appropriated shall remain available for said purposes until the purposes of this Act have been fully carried out.

Section 4. This bill shall be known as a Supplementary Appropriation Act, and the monies hereby appropriated shall be paid out of the General Funds of the State Treasury not otherwise appropriated.

Approved June 29, 1953.

## CHAPTER 202

### RELATING TO EMPLOYEES PENSIONS

#### **AN ACT TO AMEND CHAPTER 17, TITLE 9, DELAWARE CODE OF 1953 RELATING TO EMPLOYEES' PENSIONS; RETIREMENT AGE; RETIREMENT PENSION BENEFITS; DISABILITY PENSION BENEFITS; EMPLOYEES RECEIVING COMPENSATION FROM COUNTY AND CITY OF WILMINGTON; PENSION BENEFITS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1704 (a), Chapter 17, Title 9, Delaware Code of 1953 is amended to read as follows:

#### **§ 1704. Retirement age**

(a) Every covered employee of the County of New Castle within the meaning of this Chapter, now or hereafter employed, may be retired after such employee shall have served in covered employment for 25 years, or on or after attaining the age of 60 years in the case of a female employee, or the age of 65 years in the case of a male employee, and shall after retirement during the remainder of his or her life receive the pension fixed by this Chapter, subject to such qualifications and reservations as are herein contained; provided that a covered employee may continue active work at the option of the department or agency by which he or she is employed up to the age of 65 years for female employees or 70 years of age for male employees.

Section 2. Subsections (a) and (b) of Section 1705, Chapter 17, Title 9, Delaware Code of 1953 are amended to read as follows:

#### **§ 1705. Retirement pension benefits**

(a) Any pension payable under this Chapter shall be subject to the limitation that the monthly pension payment shall not exceed \$200.00 nor be less than \$85.00 per month.

(b) The monthly pension payment shall be one-sixtieth of the monthly retiring base pay, multiplied by the number of years (a fractional period of six months or more shall be counted as one year and less than six months shall not be counted) which the employee shall have served in covered employment during the period that ends on the date of retirement and includes no interruptions from continuous covered employment except allowable interruptions aggregating not more than five years.

Section 3. § 1706, Chapter 17, Title 9, Delaware Code of 1953 is amended by striking out all of subsection (g) thereof.

Section 4. § 1716 (a), Chapter 17, Title 9, Delaware Code of 1953 is amended to read as follows:

**§ 1716. Employees receiving compensation from county and City of Wilmington; pension benefits**

(a) The monthly retirement and disability benefits for such employees as shall regularly receive part of their compensation from the City of Wilmington and New Castle County, or in alternate periods shall receive regular compensation from such City or County, shall be one-half of the monthly retiring base pay, divided by sixty, multiplied by the number of years which such employee shall have served in covered employment; in case the total combined monthly retirement or disability benefits calculated under the provisions of this Chapter and under any statute for the retirement of employees of the City of Wilmington be less than \$85.00 or more than \$200.00 then in lieu of such payment as calculated in this section the employee shall receive under this Chapter not less than \$42.50 and not more than \$100.00 as a monthly retirement or disability benefit.

Approved June 29, 1953.

CHAPTER 203  
APPROPRIATION  
CIVIL DEFENSE

**AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF CIVIL DEFENSE FOR THE PURPOSE OF PURCHASING AND ACQUIRING EXTENSIVE CIVIL DEFENSE EQUIPMENT.**

WHEREAS, it is necessary for the Department of Civil Defense to purchase and acquire equipment for the purpose of carrying out the provisions of the Delaware Civil Defense Law, and

WHEREAS, it is necessary to make an appropriation to carry out such purposes; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is appropriated to the Department of Civil Defense the sum of One Hundred Thousand Dollars (\$100,000.00) for the biennium ending June 30, 1955 for the purpose of purchasing and acquiring equipment by the Department of Civil Defense and other existing state agencies for civil defense in compliance with the provisions of the Delaware Civil Defense Law.

Section 2. No expenditures from the monies hereby appropriated shall be made unless and until the Federal Government has made available matching funds to this State or its agencies for the purposes stated in Section 1 of this Act or for the organizational civil defense equipment in those cases where Federal matching funds are not available.

Section 3. All expenditures from the monies hereby appropriated shall be made with the advice and consent of the Civil Defense Advisory Council by the State Treasurer on vouchers approved by the Director of Civil Defense and countersigned by the Governor.

Section 4. All monies hereby appropriated, which shall not have been expended for the purposes stated in Section 1 of this Act at the end of the biennium ending June 30, 1955, shall revert to the General Fund of the State Treasurer.

Section 5. This Act shall be known as a Supplementary Appropriation Bill and the monies hereby appropriated shall be paid out of the General Fund of the State Treasury from funds not otherwise appropriated.

Approved June 29, 1953.

## CHAPTER 204

## RELATING TO CIVIL DEFENSE

**AN ACT TO AMEND CHAPTER 31, TITLE 20, DELAWARE  
CODE OF 1953 RELATING TO CIVIL DEFENSE; IM-  
MUNITY.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 3115, Chapter 31, Title 20, Delaware Code of 1953 is amended by adding a new subsection at the end thereof numbered (c) to read as follows:

(c). Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending, mock or practice attack shall, together with his successors in interest, if any, not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises for loss of, or damage to, the property of such person.

Approved June 29, 1953.



## CHAPTER 205

### RELATING TO DELAWARE STATE APPLE COMMISSION

#### **AN ACT TO AMEND CHAPTERS 51 AND 53, TITLE 3, DELAWARE CODE OF 1953, RELATING TO DELAWARE STATE APPLE COMMISSION AND TAX UPON APPLES; APPROPRIATIONS; EXPENDITURES; UNEXPENDED APPROPRIATIONS; PAYMENT OF TAX; REPORTS OF COMMISSION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 51, Title 3, Delaware Code of 1953 is amended by repealing Sections 5104 and 5105.

Section 2. § 5303, Chapter 53, Title 3, Delaware Code of 1953 is amended by striking out the words "receipts being taken from the State Treasurer for such payments" appearing in the last sentence thereof, and substituting in lieu thereof the following words:

"and the State Treasurer shall deposit the same to the credit of a special fund entitled 'State Apple Commission' from which necessary expenses of the Commission shall be paid upon proper vouchers signed by the Chairman and Secretary of the Commission."

Section 3. Chapter 53, Title 3, Delaware Code of 1953 is amended by adding at the end thereof a new section to read as follows:

#### **§ 5309. Reports of commission**

The Commission shall make an annual report of its receipts, expenditures and general activities to the Governor of this State on or before the fifteenth day of January of the calendar year following, and shall also make a like report to the General Assembly of this State on or before the first day of March of the biennium when said General Assembly is in session.

Section 4. Such monies as are available to the Commission, which shall remain unexpended on June 30, 1953, shall not revert to the General Fund of the State Treasury, but shall be credited for the use of said Commission.

Approved June 29, 1953.

## CHAPTER 206

## APPROPRIATION

## FOR ERECTION OF A FENCE AT HARTLY SCHOOL

**AN ACT APPROPRIATING CERTAIN MONEYS TO THE STATE BOARD OF EDUCATION FOR THE PURPOSE OF ERECTING A FENCE AT THE HARTLY PUBLIC SCHOOL AT HARTLY, DELAWARE.**

WHEREAS, the public school at Hartly, Delaware, adjoins a public highway; and

WHEREAS, said public school yard has no protection between it and the public highway; and

WHEREAS, the children attending said school are exposed to the dangers of said highway; and

WHEREAS, it is felt that a fence should be erected between said school and the public highway in order to protect the children from such danger; and

WHEREAS, the current appropriations are insufficient to pay for the cost of erecting said fence; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of Two Thousand Two Hundred Dollars (\$2,200.00) is appropriated to the State Board of Education, for the purpose of erecting a fence between the Hartly School, located at Hartly, Delaware, and the public highway adjacent thereto.

Section 2. The State Board of Education is directed to proceed without delay to carry out the purposes of this act.

Section 3. The moneys hereby appropriated shall be paid out of the General Fund of the State Treasury, from time to time, upon vouchers submitted by the State Board of Education.

Section 4. This bill shall be known as a Supplementary Appropriation Act and the moneys hereby appropriated shall be paid out of the General Fund of the State Treasury, not otherwise appropriated, and any portion of the funds hereby appropriated remaining unexpended on July 1, 1954 shall revert to the General Fund.

Approved June 29, 1953.

## CHAPTER 207

## APPROPRIATION

WILLIAM A. HILL

**AN ACT TO APPROPRIATE MONEY TO WILLIAM A. HILL,  
A RESIDENT OF THE STATE OF DELAWARE AND A  
VETERAN OF WORLD WAR II FOR MILITARY SER-  
VICE BONUS.**

WHEREAS, William A. Hill, a resident of the State of Delaware and a veteran of World War II was eligible under the Veterans' Military Pay Act, Chapter 1, Volume 47, Laws of Delaware, Special Session; and

WHEREAS, a check, being check No. 000041, in the sum of Three Hundred Dollars (\$300.00) was issued to him in 1948 by the Delaware Veteran's Military Pay Commission, that sum being due him as a bonus under such act; and

WHEREAS, the check was not cashed, but was placed in a safe deposit box for use when necessity required it; and

WHEREAS, this check is now out of date and can not be cashed; and

WHEREAS, the Delaware Veteran's Military Pay Commission expired on the thirtieth day of June, 1951 and a new check can not now be issued; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of Three Hundred Dollars (\$300.00) is appropriated to William A. Hill as a bonus payment incident to his military service of World War II.

Section 2. This is a Supplementary Appropriation Act and the monies hereby appropriated shall be paid out of the General Funds of the State Treasury, not otherwise appropriated.

Approved June 29, 1953.

**CHAPTER 208**

**PROVIDING FOR ERECTION OF LIGHT ON BARLEY MILL ROAD**

**AN ACT REQUIRING THE STATE HIGHWAY DEPARTMENT  
TO ERECT AN OVERHEAD ILLUMINATING ELECTRIC  
LIGHT ON BARLEY MILL ROAD WHERE IT INTER-  
SECTS WITH OVERBROOK ROAD, IN CHRISTIANA  
HUNDRED, NEW CASTLE COUNTY, DELAWARE.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. The State Highway Department is directed to and charged with the responsibility of erecting and maintaining in operation an overhead illuminating electric light on Barley Mill Road where it intersects with Overbrook Road, in Christiana Hundred, New Castle County, Delaware, within thirty (30) days from the date of the approval of this act.

Approved June 29, 1953.

## CHAPTER 209

## APPROPRIATION

## ADJUTANT GENERAL'S OFFICE

**AN ACT APPROPRIATING CERTAIN MONIES TO THE ADJUTANT GENERAL'S DEPARTMENT, DELAWARE NATIONAL GUARD, FOR THE PURPOSE OF CONSTRUCTING ARMORIES.**

WHEREAS, the Adjutant General's Department, Delaware National Guard, desires to construct an armory in the Town of Smyrna, Kent County, during the fiscal year ending June 30, 1954; and

WHEREAS, the Adjutant General's Department, Delaware National Guard, also desires to construct an armory in Christiana Hundred, New Castle County, during the fiscal year ending June 30, 1955; and

WHEREAS, the United States Government does contribute 75% of the cost of constructing armories that are constructed by State National Guards, provided that the states contribute 25% of the cost of such construction; and

WHEREAS, under the policy of the United States Government making such grants to states, it is required by the Federal Government that the states first make available by proper appropriation the state's share of the cost of constructing armories; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is appropriated to the Adjutant General's Department, Delaware National Guard, the sum of Twenty-Seven Thousand Five Hundred Dollars (\$27,500.00) for the fiscal year ending June 30, 1954, and a like sum of Twenty-Seven Thousand Five Hundred Dollars (\$27,500.00) for the fiscal year ending June 30, 1955, for the purpose of constructing armories in the Town of Smyrna in Kent County and in Christiana Hundred in New Castle County.

Section 2. The funds appropriated in Section 1 of this Act or any part thereof which shall remain unexpended at the end of the biennium ending June 30, 1955, or in the event that the United States Government fails to furnish the Adjutant General's Department, Delaware National Guard, with matching funds for the construction of said armories, the funds hereby appropriated shall revert to the General Fund of the State Treasury.

Section 3. This Act shall be known as a Supplementary Appropriation Act and the monies hereby appropriated shall be paid out of the General Fund of the State Treasury, not otherwise appropriated.

Approved June 29, 1953.



## CHAPTER 210

## APPROPRIATION

GEORGE H. BUNTING

**AN ACT APPROPRIATING CERTAIN MONIES TO GEORGE H. BUNTING, REIMBURSING HIM FOR MILEAGE EXPENSES INCURRED IN PERFORMING HIS DUTIES AS A SENIOR HIGHWAY INSPECTOR.**

WHEREAS, George H. Bunting is employed by the State Highway Department as a Senior Highway Inspector; and

WHEREAS, he was so employed during the months of July, August, September, October and November of 1950; and

WHEREAS, he incurred mileage expenses in the sum of One Hundred Twenty-One Dollars and Twenty Cents (\$121.20), during the months of July, August, September, October and November of 1950 in the course of his said employment; and

WHEREAS, the said George H. Bunting was not reimbursed these expenses by the State Highway Department due to some oversight; and

WHEREAS, the said State Highway Department does not have available funds for this purpose; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The State Treasurer is directed to pay to George H. Bunting, within thirty (30) days, the sum of One Hundred Twenty-One Dollars and Twenty Cents (\$121.20) in payment of the mileage expenses incurred by him during the months of July, August, September, October and November of 1950 in the course of his employment as a Senior Highway Inspector for the State Highway Department.

Section 2. This act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State Treasury, not otherwise appropriated.

Approved June 29, 1953.

## CHAPTER 211

## APPROPRIATION

## UNITED SPANISH WAR VETERANS

**AN ACT APPROPRIATING MONEY TO THE UNITED SPANISH WAR VETERANS, DEPARTMENT OF DELAWARE.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the Members elected to each House concurring therein):*

Section 1. That the sum of One Thousand Dollars (\$1,000.00) be and the same is hereby appropriated to the United Spanish War Veterans, Department of Delaware, for the biennium beginning July 1, 1953 and ending June 30, 1955 for operation expenses. Five Hundred Dollars (\$500.00) of said sum shall be paid within three months after July 1, 1953 and a like sum of Five Hundred Dollars (\$500.00) shall be paid within three months after July 1, 1954, to the duly elected Finance Officer of the United Spanish War Veterans, Department of Delaware, upon warrants signed by the said Finance Officer and approved by the Auditor of Accounts.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Funds of the State Treasury not otherwise appropriated.

Approved June 30, 1953.

## CHAPTER 212

## CONTROL OF DISEASES OF HOGS BY LEVY COURT

**AN ACT AUTHORIZING THE LEVY COURT OF KENT COUNTY TO APPROPRIATE COUNTY MONIES FOR THE CONTROL OF DISEASES OF HOGS IN KENT COUNTY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The Levy Court of Kent County is authorized and directed to appropriate a sum not exceeding One Thousand Five Hundred Dollars (\$1,500.00) for each of the fiscal years beginning July 1, 1953 and ending June 30, 1954, and beginning July 1, 1954 and ending June 30, 1955, to be used for the control of diseases of hogs in Kent County by the introduction, maintenance and advancement of the latest and most improved method for control and cure of diseases of hogs.

If, for the furtherance of this purpose, the hogs of any owner who is a resident of Kent County shall require vaccination, inoculation or other similar treatment, the vaccine or other medicament or material may be furnished free of charge to such owner; provided, however, that no free vaccine or other medicament or material shall be furnished under the provisions of this Act, if such owner has received under the provisions hereof or under the provisions of any other State law or appropriation free vaccine, medicament or material for the treatment of ten hogs in any one year.

Section 2. In all cases where such treatment of hog diseases is necessary the owner or owners shall pay the expenses of a Veterinarian or other person employed to administer such treatment.

Section 3. The Levy Court of Kent County is authorized to obtain the assistance of the State Board of Agriculture and any licensed Veterinarian in Kent County in carrying out the provisions of this Act.

Approved June 30, 1953.

## CHAPTER 213

## APPROPRIATION

## PALMER HOME

**AN ACT APPROPRIATING CERTAIN MONEY TO PALMER HOME, INCORPORATED.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each House thereof concurring therein):*

Section 1. The sum of Eight Thousand Seven Hundred Dollars (\$8,700.00) is appropriated to Palmer Home, Incorporated, a corporation of the State of Delaware, for the care and maintenance of old age persons at the Old Folk's Home at Dover, and for operation for the biennium beginning July 1, 1953 and ending June 30, 1955. Four Thousand Three Hundred and Fifty Dollars (\$4,350.00) of said sum shall be paid within three months after July 1, 1953 and a like sum of Four Thousand Three Hundred and Fifty Dollars (\$4,350.00) shall be paid within three months after July 1, 1954.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Funds of the State Treasury, not otherwise appropriated.

Approved June 30, 1953.

## CHAPTER 214

## APPROPRIATION

## NEW CASTLE COUNTY AIRPORT COMMISSION

**AN ACT APPROPRIATING CERTAIN MONEYS TO THE NEW CASTLE COUNTY AIRPORT COMMISSION IN PAYMENT FOR RENTAL AND FACILITIES FURNISHED TO THE DELAWARE NATIONAL GUARD.**

WHEREAS, on the 31st of August, 1946 the State of Delaware through the Adjutant General entered into an agreement of lease with the New Castle County Airport Commission pursuant to which agreement of lease the Delaware National Guard occupied certain facilities at the Airport and the New Castle County Airport Commission furnished to the Delaware National Guard water, sewage disposal and electric facilities; and

WHEREAS, the New Castle County Airport Commission did periodically render statements to the State of Delaware itemizing the charges owing to it by the State of Delaware for the use by the Delaware National Guard of the facilities of the Airport as provided in the lease; and

WHEREAS, no payment has ever been received by the New Castle County Airport Commission from the State of Delaware for the amount of rent and utility charges accruing during the period September 1, 1946 to June 30, 1948; and

WHEREAS, the sum now due and payable to the New Castle County Airport Commission for rent and utility services during that period is Sixteen Thousand Five Hundred Fifty-Seven Dollars and Nine Cents (\$16,557.09); NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. That the sum of Sixteen Thousand Five Hundred Fifty-Seven Dollars and Nine Cents (\$16,557.09) is appropriated to the New Castle County Airport Commission, for the purposes of discharging the obligation of the State of Delaware to New Castle County Airport Commission for rent and utilities furnished from September 1, 1946 through June 30, 1948.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury, not otherwise appropriated.

Approved June 30, 1953.

## CHAPTER 215

## APPROPRIATION

## LAYTON HOME FOR COLORED PERSONS

**AN ACT APPROPRIATING MONEY TO LAYTON HOME  
FOR AGED COLORED PERSONS.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each Branch thereof concurring therein):*

Section 1. That the sum of Ten Thousand Dollars (\$10,000.00) is hereby appropriated to the Layton Home for Aged Colored Persons for the care and maintenance of old age colored persons for operation expenses for the biennium beginning July 1, 1953 and ending June 30, 1955.

Five Thousand Dollars (\$5,000.00) of said sum shall be paid within three months after July 1, 1953 and a like sum of Five Thousand Dollars (\$5,000.00) shall be paid within three months after July 1, 1954.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Funds of the State Treasury not otherwise appropriated.

Approved June 30, 1953.

## CHAPTER 216

## SALARY OF DEPUTY AUDITOR OF ACCOUNTS

**AN ACT TO AMEND TITLE 29, DELAWARE CODE OF 1953, IN RESPECT TO THE SALARY OF THE DEPUTY AUDITOR OF ACCOUNTS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2904, Title 29, Delaware Code of 1953, is amended by striking out the words and figures "at an annual salary of \$4,000." as the same appear on the first line thereof and substituting the following words and figures "at an annual salary not exceeding Five Thousand Dollars (\$5,000.00)."

Section 2. There is appropriated from the General Fund of the State Treasury the sum of One Thousand Dollars (\$1,000.00) for the fiscal year beginning July 1, 1953 and an additional sum of One Thousand Dollars (\$1,000.00) for the fiscal year beginning July 1, 1954, for the purpose of carrying out the increased salary provided by Section 1. This is a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved June 30, 1953.



## CHAPTER 217

## APPROPRIATION

## EXPENSES OF STATE GOVERNMENT

**AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES  
OF THE STATE GOVERNMENT FOR EACH OF THE  
TWO FISCAL YEARS ENDING JUNE 30, 1954 AND  
JUNE 30, 1955.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The several amounts named in this Act, or such part thereof as may be necessary and essential to the proper conduct of the business of the agencies named herein, are appropriated and authorized to be paid out of the Treasury of this State by the respective departments and divisions of State Government, and other specified spending agencies, subject to the provisions of Part VI, Title 29, Delaware Code of 1953, and for the periods specified. All parts or portions of the several sums appropriated by this Act which, on the first day of July immediately following each of the respective fiscal years, shall not have been paid out of the State Treasury, shall revert to the General Fund of the State Treasury; provided, however, that no funds shall revert which are encumbered pursuant to Section 6521, Title 29, Delaware Code of 1953 and, provided further that vouchers for payment of obligations entered into prior to the end of the fiscal year may be presented for approval within twelve (12) days after the end of the fiscal year.

The several amounts hereby appropriated are as follows:

## LEGISLATIVE AND ELECTIONS

## AGENCIES

## COMMISSION ON UNIFORM LAWS

		YEAR ENDING JUNE 30	
		1954	1955
Dues .....	\$	300.00	\$ 300.00
Travel .....		150.00	150.00
Total .....	\$	450.00	\$ 450.00

# **APPROPRIATION**

## **EXPENSES OF STATE GOVERNMENT**

### **DELAWARE COMMISSION ON INTERSTATE COOPERATION**

Office Expense .....	\$ 50.00	\$ 50.00
Fees .....	5,000.00	5,000.00
Travel .....	500.00	500.00
Interstate Conference in Delaware	350.00	....
<hr/>		
Total .....	\$ 5,900.00	\$ 5,550.00

### **REGISTRATIONS AND ELECTIONS**

Salaries of Registrars, Assistants and Presidential Electors .....	....	\$ 27,500.00
<hr/>		
Total .....	....	\$ 27,500.00

### **LEGISLATIVE REFERENCE BUREAU OF DELAWARE**

Salary of Executive Director ...	\$ 6,000.00	\$ 6,000.00
Salaries and Wages .....	3,650.00	3,650.00
Office Expense .....	750.00	750.00
Travel .....	150.00	150.00
Repairs and Replacements .....	200.00	200.00
Equipment .....	250.00	250.00
<hr/>		
Total .....	\$ 11,000.00	\$ 11,000.00

### **GENERAL ASSEMBLY**

Salaries of House Members .....	\$ 35,000.00	\$ 35,000.00
Salaries of Senate Members .....	18,000.00	18,000.00
<hr/>		
Total .....	\$ 53,000.00	\$ 53,000.00
<hr/>		
<b>TOTAL LEGISLATIVE AND ELECTIONS .....</b>	<b>\$ 70,350.00</b>	<b>\$ 97,500.00</b>

# APPROPRIATION

## EXPENSES OF STATE GOVERNMENT

### EXECUTIVE AND FINANCIAL

#### GOVERNOR

Salary of Governor .....	\$ 12,000.00	\$ 12,000.00
Salaries and Wages .....	12,000.00	12,000.00
Office Expense .....	2,300.00	2,300.00
Governor's Conference .....	200.00	200.00
Contingent Expenses .....	4,000.00	4,000.00
Repairs and Replacements .....	500.00	500.00
Equipment .....	500.00	500.00
Total .....	\$ 31,500.00	\$ 31,500.00

#### SECRETARY OF STATE

Salary of Secretary of State ....	\$ 8,000.00	\$ 8,000.00
Salaries and Wages .....	82,500.00	82,500.00
Printing Laws—General Assembly .....	20,000.00	....
Office Expense .....	6,500.00	6,500.00
Magistrate Bonds .....	400.00	400.00
Travel .....	2,000.00	2,000.00
Dissolution Account .....	7,000.00	7,000.00
Departmental Supplies .....	38,000.00	38,000.00
Repairs and Replacements .....	3,000.00	3,000.00
Equipment .....	2,000.00	2,000.00
Total .....	\$169,400.00	\$149,400.00

#### STATE TREASURER

Salary of Treasurer .....	\$ 6,000.00	\$ 6,000.00
Salary of Deputy Treasurer ....	4,000.00	4,000.00
Salaries and Wages .....	22,000.00	22,000.00
Office Expense .....	13,250.00	15,250.00
Travel .....	400.00	400.00
Repairs and Replacements .....	500.00	500.00
Equipment .....	500.00	500.00
Total .....	\$ 46,650.00	\$ 48,650.00

## APPROPRIATION

## EXPENSES OF STATE GOVERNMENT

## BUDGET COMMISSION

Salary of Chief Accountant .....	\$ 7,500.00	\$ 7,500.00
Salaries and Wages .....	39,500.00	39,500.00
Office Expense .....	2,500.00	2,500.00
Travel .....	4,000.00	4,000.00
Special Audits by C. P. A.'s .....	15,000.00	15,000.00
Repairs and Replacements .....	1,500.00	1,500.00
Equipment .....	500.00	500.00
Total .....	\$ 70,500.00	\$ 70,500.00

## AUDITOR OF ACCOUNTS

Salary of Auditor .....	\$ 6,000.00	\$ 6,000.00
Salary of Deputy Auditor .....	4,000.00	4,000.00
Salaries and Wages .....	24,300.00	24,300.00
Office Expense .....	1,500.00	1,500.00
Travel .....	500.00	500.00
Repairs and Replacements .....	500.00	500.00
Equipment .....	250.00	250.00
Total .....	\$ 37,050.00	\$ 37,050.00

## STATE REVENUE COLLECTOR

Salary of Collector .....	\$ 2,500.00	\$ 2,500.00
Office Expense .....	40.00	40.00
Travel .....	550.00	550.00
Total .....	\$ 3,090.00	\$ 3,090.00

## INSURANCE DEPARTMENT

Salary of Insurance Commissioner .....	\$ 6,000.00	\$ 6,000.00
Salary of Actuary .....	3,500.00	3,500.00
Salary of Deputy Commissioner .....	4,000.00	4,000.00
Salary of Chief Clerk .....	3,000.00	3,000.00
Salary of Clerk .....	2,200.00	2,200.00
Office Expense .....	1,300.00	1,800.00

# APPROPRIATION

## EXPENSES OF STATE GOVERNMENT

Travel .....	1,000.00	1,000.00
Operations—Insurance Premiums		
State Property .....	52,500.00	57,500.00
Repairs and Replacements .....	100.00	100.00
Equipment .....	200.00	200.00
Total .....	\$ 73,800.00	\$ 79,300.00

## OYSTER REVENUE COLLECTOR

Salary of Collector .....	\$ 2,400.00	\$ 2,400.00
Salaries and Wages .....	11,000.00	11,000.00
Office Expense .....	75.00	75.00
Travel .....	200.00	200.00
Operations .....	900.00	900.00
Repairs and Replacements .....	1,000.00	1,000.00
Total .....	\$ 15,575.00	\$ 15,575.00

## BOAT INSPECTOR

Salary of Inspector .....	\$ 1,500.00	\$ 1,500.00
Office Expense .....	10.00	10.00
Travel .....	600.00	600.00
Operations .....	60.00	60.00
Total .....	\$ 2,170.00	\$ 2,170.00

## STATE TAX DEPARTMENT

Salary of Commissioner .....	\$ 8,000.00	\$ 8,000.00
Salaries and Wages .....	219,000.00	219,000.00
Office Expense .....	41,000.00	41,000.00
Travel .....	2,200.00	2,200.00
Repairs and Replacements .....	3,100.00	1,000.00
Operations—Social Security		
Division .....	8,500.00	8,500.00
Equipment .....	3,600.00	1,000.00
Total .....	\$285,400.00	\$280,700.00

## APPROPRIATION

## EXPENSES OF STATE GOVERNMENT

## STATE BANK COMMISSIONER

Salary of Commissioner .....	\$ 7,000.00	\$ 7,000.00
Salaries and Wages .....	45,000.00	45,000.00
Office Expense .....	2,500.00	2,500.00
Travel .....	6,000.00	6,000.00
Repairs and Replacements .....	750.00	750.00
Total .....	\$ 61,250.00	\$ 61,250.00

## DELAWARE LIQUOR COMMISSION

Salaries and Wages .....	\$ 75,000.00	\$ 75,000.00
Office Expense .....	19,000.00	19,000.00
Travel .....	9,500.00	9,500.00
Operations .....	150.00	150.00
Repairs and Replacements .....	2,000.00	2,000.00
Equipment .....	300.00	300.00
Total .....	\$105,950.00	\$105,950.00

## DELAWARE RACING COMMISSION

Salaries of Commissioners .....	\$ 4.00	\$ 4.00
Salaries and Wages .....	1,700.00	1,700.00
Office Expense .....	2,415.00	1,950.00
Travel .....	800.00	800.00
Repairs and Replacements .....	165.00	....
Total .....	\$ 5,084.00	\$ 4,454.00

## DELAWARE HARNESS RACING COMMISSION

Salaries of Commissioners .....	\$ 3.00	\$ 3.00
Salaries and Wages .....	5,725.00	5,725.00
Office Expense .....	1,115.00	965.00
Travel .....	3,500.00	3,500.00
Total .....	\$ 10,343.00	\$ 10,193.00

## TOTAL—EXECUTIVE

AND FINANCIAL .....	\$917,762.00	\$899,782.00
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## APPROPRIATION

## EXPENSES OF STATE GOVERNMENT

## JUDICIAL AND LEGAL

## SUPREME COURT

Salary of Chief Justice .....	\$ 17,500.00	\$ 17,500.00
Salaries of Associate Justices ...	34,000.00	34,000.00
Salaries and Wages .....	13,640.00	13,640.00
Office Expense .....	7,810.00	7,810.00
Travel .....	700.00	700.00
Repairs and Replacements—		
Library .....	1,000.00	1,000.00
Total .....	<u>\$ 74,650.00</u>	<u>\$ 74,650.00</u>

## COURT OF CHANCERY

Salary of Chancellor .....	\$ 15,500.00	\$ 15,500.00
Salary of Vice-Chancellor .....	15,000.00	15,000.00
Salaries and Wages .....	15,000.00	15,000.00
Office Expense .....	1,000.00	1,000.00
Chancellor's Report .....	3,000.00	3,000.00
Travel .....	1,100.00	1,100.00
Repairs and Replacements .....	350.00	350.00
Equipment .....	1,000.00	....
Total .....	<u>\$ 51,950.00</u>	<u>\$ 50,950.00</u>

## SUPERIOR COURT

Salary of President Judge .....	\$ 15,500.00	\$ 15,500.00
Salaries of Associate Judges ...	60,000.00	60,000.00
Salaries and Wages .....	35,200.00	35,200.00
Office Expense .....	3,000.00	3,000.00
Reports .....	3,000.00	3,000.00
Travel .....	3,500.00	3,500.00
Equipment .....	2,500.00	....
Total .....	<u>\$122,700.00</u>	<u>\$120,200.00</u>

## APPROPRIATION

## EXPENSES OF STATE GOVERNMENT

## JUVENILE COURT—KENT &amp; SUSSEX

Salary of Judge .....	\$ 10,000.00	\$ 10,000.00
Salaries and Wages .....	24,000.00	24,000.00
Total .....	\$ 34,000.00	\$ 34,000.00

## COMMON PLEAS COURT—KENT COUNTY

Salary of Judge .....	\$ 5,000.00	\$ 5,000.00
Total .....	\$ 5,000.00	\$ 5,000.00

## ATTORNEY-GENERAL

Salary of Attorney-General .....	\$ 7,500.00	\$ 7,500.00
Salary of Chief Deputy .....	6,000.00	6,000.00
Salary of New Castle County Deputy .....	4,000.00	4,000.00
Salary of Kent County Deputy ..	3,500.00	3,500.00
Salary of Sussex County Deputy .	3,500.00	3,500.00
Salaries of Tax Deputies (2) ....	6,000.00	6,000.00
Salaries of State Detectives .....	9,000.00	9,000.00
Salaries and Wages .....	2,000.00	2,000.00
Office Expense .....	3,000.00	3,000.00
Travel .....	1,500.00	1,500.00
Requisition Travel Expense ....	1,500.00	1,500.00
Operations .....	3,500.00	3,500.00
Repairs and Replacements .....	1,500.00	1,500.00
Equipment .....	200.00	200.00
Total .....	\$ 52,700.00	\$ 52,700.00

## STATE LIBRARIAN

Salary of Librarian .....	\$ 2,500.00	\$ 2,500.00
Salary of Clerk .....	2,000.00	2,000.00
Office Expense .....	200.00	200.00



# APPROPRIATION

## EXPENSES OF STATE GOVERNMENT

Repairs and Replacements .....	....	300.00
Equipment .....	1,500.00	1,500.00
Total .....	\$ 6,200.00	\$ 6,500.00
TOTAL JUDICIAL AND LEGAL .....	\$347,200.00	\$344,000.00

# DEBT SERVICE

## STATE TREASURER

## STATE OBLIGATIONS

Redemptions:		
Bonds Issued .....	\$3,257,000.00	\$3,257,000.00
Unissued Authorizations .....	....	365,000.00
Total Redemptions .....	\$3,257,000.00	\$3,622,000.00
Interest:		
Bonds Issued .....	\$ 963,118.98	\$ 910,686.98
Unissued Authorizations .....	78,750.00	152,893.75
Total Interest .....	\$1,041,868.98	\$1,063,580.73
Total State Obligations ....	\$4,298,868.98	\$4,685,580.73

## PURCHASE OF COUNTY HIGHWAY

## BONDS AND COUPONS

Purchase of County Highway		
Bonds .....	\$ 180,000.00	\$ 180,000.00
Purchase of County Highway		
Bond Coupons .....	52,950.00	46,450.00
Total Purchase of County Highway Bonds & Coupons..	\$ 232,950.00	\$ 226,450.00
TOTAL DEBT SERVICE ..	\$4,531,818.98	\$4,912,030.73

## APPROPRIATION

## EXPENSES OF STATE GOVERNMENT

## REGULATORY BOARDS

## MEDICAL COUNCIL OF DELAWARE

Salaries and Wages .....	\$ 1,100.00	\$ 1,100.00
Office Expense .....	850.00	850.00
Travel .....	550.00	550.00
Total .....	\$ 2,500.00	\$ 2,500.00

## STATE BOARD OF PHARMACY

Salaries and Wages .....	\$ 3,600.00	\$ 3,600.00
Office Expense .....	500.00	500.00
Travel .....	1,300.00	1,300.00
Total .....	\$ 5,400.00	\$ 5,400.00

## DELAWARE STATE BOARD OF DENTAL EXAMINERS

Salaries and Wages .....	\$ 570.00	\$ 570.00
Office Expense .....	140.00	140.00
Travel .....	290.00	290.00
Total .....	\$ 1,000.00	\$ 1,000.00

## BOARD OF EXAMINERS FOR BARBERS

Salaries and Wages .....	\$ 700.00	\$ 700.00
Office Expense .....	150.00	150.00
Total .....	\$ 850.00	\$ 850.00

## STATE BOARD OF VETERINARY EXAMINERS

Salaries and Wages .....	\$ 150.00	\$ 150.00
Office Expense .....	25.00	25.00
Travel .....	25.00	25.00
Total .....	\$ 200.00	\$ 200.00

# **APPROPRIATION**

## **EXPENSES OF STATE GOVERNMENT**

### **BOARD OF CHIROPODY EXAMINERS**

Salaries and Wages .....	\$	150.00	\$	150.00
Office Expense .....		50.00		50.00
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Total .....	\$	200.00	\$	200.00

### **STATE BOARD OF CHIROPRACTIC EXAMINERS**

Salaries and Wages .....	\$	150.00	\$	150.00
Travel .....		50.00		50.00
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Total .....	\$	200.00	\$	200.00

### **STATE BOARD OF ACCOUNTANCY**

Salaries and Wages .....	\$	240.00	\$	240.00
Office Expense .....		460.00		460.00
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Total .....	\$	700.00	\$	700.00

### **DELAWARE STATE BOARD OF EXAMINERS IN OPTOMETRY**

Salaries and Wages .....	\$	105.00	\$	105.00
Office Expense .....		95.00		45.00
Travel .....		75.00		75.00
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Total .....	\$	275.00	\$	225.00

### **STATE BOARD OF EXAMINERS OF GRADUATE NURSES**

Salaries of Board Members ....	\$	400.00	\$	400.00
Salaries and Wages .....		2,400.00		2,400.00
Office Expense .....		1,300.00		1,300.00
Travel .....		600.00		600.00
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Total .....	\$	4,700.00	\$	4,700.00

### **STATE BOARD OF EXAMINERS OF UNDERTAKERS**

Salaries and Wages .....	\$	500.00	\$	500.00
Office Expense .....		200.00		200.00
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Total .....	\$	700.00	\$	700.00

## APPROPRIATION

## EXPENSES OF STATE GOVERNMENT

## DELAWARE REAL ESTATE COMMISSION

Salaries and Wages .....	\$ 2,200.00	\$ 2,200.00
Office Expense .....	600.00	600.00
Travel .....	200.00	200.00
Equipment .....	200.00	....
Total .....	\$ 3,200.00	\$ 3,000.00

BOARD OF EXAMINERS AND REGISTRATION  
OF ARCHITECTS

Salaries and Wages .....	\$ 200.00	\$ 200.00
Office Expense .....	250.00	250.00
Travel .....	250.00	250.00
Equipment .....	50.00	50.00
Total .....	\$ 750.00	\$ 750.00

## STATE ATHLETIC COMMISSION

Salaries of Commissioners .....	\$ 900.00	\$ 900.00
Salaries and Wages .....	150.00	150.00
Office Expense .....	750.00	750.00
Travel .....	200.00	200.00
Total .....	\$ 2,000.00	\$ 2,000.00

## ATLANTIC STATES MARINE FISHERIES COMMISSION

Dues .....	\$ 700.00	\$ 700.00
Travel .....	200.00	200.00
Total .....	\$ 900.00	\$ 900.00

STATE BOARD OF REGISTRATION FOR PROFESSIONAL  
ENGINEERS AND LAND SURVEYORS

Salary of Secretary .....	\$ 1,200.00	\$ 1,200.00
Office Expense .....	1,200.00	1,200.00
Travel .....	250.00	250.00
Equipment .....	300.00	100.00
Total .....	\$ 2,950.00	\$ 2,750.00

# **APPROPRIATION**

## **EXPENSES OF STATE GOVERNMENT**

### **DELAWARE COMMISSION OF SHELL FISHERIES**

Salaries and Wages .....	\$ 3,000.00	\$ 3,000.00
Office Expense .....	200.00	200.00
Travel .....	300.00	300.00
Operations .....	13,000.00	13,000.00
<b>Total .....</b>	<b>\$ 16,500.00</b>	<b>\$ 16,500.00</b>

### **DEPARTMENT OF CIVIL DEFENSE**

Salary of State Director .....	\$ 6,000.00	\$ 6,000.00
Salaries and Wages .....	20,000.00	20,000.00
Office Expense .....	2,500.00	2,500.00
Travel .....	2,500.00	2,500.00
Operations .....	4,000.00	4,000.00
Repairs and Replacements .....	1,000.00	1,000.00
Equipment .....	2,500.00	2,500.00
<b>Total .....</b>	<b>\$ 38,500.00</b>	<b>\$ 38,500.00</b>

### **TOTAL REGULATORY**

<b>BOARDS .....</b>	<b>\$ 81,525.00</b>	<b>\$ 81,075.00</b>
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## **ENFORCEMENT BOARDS**

### **LABOR COMMISSION OF DELAWARE**

Salary of Child Labor Inspector ..	\$ 3,000.00	\$ 3,000.00
Salary of 10-Hour Law Inspector ..	2,500.00	2,500.00
Salaries and Wages .....	4,000.00	4,000.00
Office Expense .....	2,000.00	2,000.00
Travel .....	800.00	800.00
Repairs and Replacement .....	300.00	300.00
<b>Total .....</b>	<b>\$ 12,600.00</b>	<b>\$ 12,600.00</b>

### **BOARD OF PAROLE**

Salary of Parole Officer .....	\$ 3,600.00	\$ 3,600.00
Salaries of Parole Members ....	480.00	480.00
Office Expense .....	350.00	350.00

## APPROPRIATION

## EXPENSES OF STATE GOVERNMENT

Travel .....	1,400.00	1,400.00
Out-of-State Parole Supervision..	300.00	300.00
Total .....	\$ 6,130.00	\$ 6,130.00

## BOARD OF PARDONS

Salary of Lieutenant-Governor...	\$ 120.00	\$ 120.00
Witness Fees .....	100.00	100.00
Travel .....	56.00	56.00
Total .....	\$ 276.00	\$ 276.00

## BOARD OF BOILER RULES

Salary of Chief Inspector .....	\$ 4,800.00	\$ 4,800.00
Salary of Secretary .....	1,700.00	1,700.00
Salaries and Wages .....	6,200.00	6,200.00
Office Expense .....	2,650.00	1,650.00
Travel .....	2,400.00	2,400.00
Equipment .....	250.00	250.00
Total .....	\$ 18,000.00	\$ 17,000.00

## REGULATORS OF WEIGHTS AND MEASURES

Salaries and Wages .....	\$ 7,000.00	\$ 7,000.00
Office Expense .....	200.00	200.00
Travel .....	1,800.00	1,800.00
Total .....	\$ 9,000.00	\$ 9,000.00

## INDUSTRIAL ACCIDENT BOARD

Salaries of Members .....	\$ 10,800.00	\$ 10,800.00
Salary of Court Reporter .....	1,800.00	1,800.00
Salaries and Wages .....	11,000.00	11,000.00
Office Expense .....	4,700.00	4,700.00
Travel .....	950.00	950.00
Repairs and Replacements .....	200.00	200.00
Total .....	\$ 29,450.00	\$ 29,450.00

# **APPROPRIATION**

## **EXPENSES OF STATE GOVERNMENT**

### **DELAWARE NATIONAL GUARD**

Salary of Adjutant-General .....	\$ 3,000.00	\$ 3,000.00
Salaries and Wages .....	37,600.00	37,600.00
Office Expense .....	4,500.00	4,500.00
Travel .....	1,500.00	1,500.00
Operations .....	33,000.00	33,000.00
Repairs and Replacements .....	20,000.00	20,000.00
Equipment .....	4,500.00	4,500.00
Uniform Allowance .....	1,350.00	13,250.00
Units—\$500.00 per Company ...	2,800.00	2,800.00
<b>Total .....</b>	<b>\$108,250.00</b>	<b>\$120,150.00</b>

### **PUBLIC SERVICE COMMISSION**

Salaries of Board Members .....	\$ 13,500.00	\$ 13,500.00
Salaries and Wages .....	25,000.00	25,000.00
Office Expense .....	3,000.00	3,000.00
Travel .....	4,000.00	4,000.00
Operations .....	6,500.00	6,500.00
Equipment .....	2,000.00	2,000.00
<b>Total .....</b>	<b>\$ 54,000.00</b>	<b>\$ 54,000.00</b>

### **STATE BOARD OF HOUSING**

Operations .....	\$ 800.00	\$ 800.00
<b>Total .....</b>	<b>\$ 800.00</b>	<b>\$ 800.00</b>

### **TOTAL ENFORCEMENT**

<b>BOARDS .....</b>	<b>\$238,506.00</b>	<b>\$249,406.00</b>
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## **PENSIONS**

### **STATE TREASURER**

#### **STATE EMPLOYEES PENSION PLAN**

Salaries and Wages .....	\$ 1,000.00	\$ 1,000.00
Office Expense .....	250.00	250.00

**APPROPRIATION**  
**EXPENSES OF STATE GOVERNMENT**

Travel .....	100.00	100.00
Benefits .....	400,000.00	450,000.00
Total .....	<u>\$401,350.00</u>	<u>\$451,350.00</u>

**STATE BOARD OF EDUCATION**  
**RETIRED AND DISABLED TEACHERS' PENSIONS**

Operations .....	<u>\$115,000.00</u>	<u>\$115,000.00</u>
Total .....	<u>\$115,000.00</u>	<u>\$115,000.00</u>
<b>TOTAL PENSIONS .....</b>	<b>\$516,350.00</b>	<b>\$566,350.00</b>

**MISCELLANEOUS**

**CUSTODIAN OF STATE HOUSE**

Salary of Custodian .....	\$ 3,000.00	\$ 3,000.00
Salaries and Wages .....	35,000.00	35,000.00
Office Expense .....	600.00	600.00
Operations .....	20,000.00	20,000.00
Repairs and Replacements .....	10,000.00	10,000.00
Equipment .....	2,500.00	2,500.00
Total .....	<u>\$ 71,100.00</u>	<u>\$ 71,100.00</u>

**STATE BUILDING AND GROUNDS COMMISSION**

Operations .....	<u>\$ 1,000.00</u>	<u>\$ 1,000.00</u>
Total .....	<u>\$ 1,000.00</u>	<u>\$ 1,000.00</u>

**STATE LIBRARY COMMISSION**

Salaries and Wages .....	\$ 15,635.00	\$ 15,635.00
Office Expense .....	580.00	580.00
Travel .....	650.00	650.00
Operations .....	1,775.00	1,775.00
Repairs and Replacements .....	3,000.00	3,000.00
Equipment .....	6,200.00	6,200.00
Total .....	<u>\$ 27,840.00</u>	<u>\$ 27,840.00</u>



# **APPROPRIATION**

## **EXPENSES OF STATE GOVERNMENT**

### **PUBLIC ARCHIVES COMMISSION**

Salaries and Wages .....	\$ 46,000.00	\$ 46,000.00
Office Expense .....	1,500.00	1,500.00
Travel .....	1,000.00	1,000.00
Operations .....	2,000.00	2,000.00
Repairs and Replacements .....	200.00	200.00
Historic Markers .....	300.00	300.00
Equipment .....	3,800.00	950.00
<b>Total .....</b>	<b>\$ 54,800.00</b>	<b>\$ 51,950.00</b>

### **PUBLIC ARCHIVES—STATE MUSEUM**

Salaries and Wages .....	\$ 14,000.00	\$ 14,000.00
Office Expense .....	600.00	600.00
Travel .....	200.00	200.00
Operations .....	350.00	350.00
Repairs and Replacements .....	900.00	900.00
Equipment .....	1,500.00	1,500.00
<b>Total .....</b>	<b>\$ 17,550.00</b>	<b>\$ 17,550.00</b>

### **PORTRAIT COMMISSION**

Office Expense .....	\$ 50.00	\$ 50.00
Repairs and Replacements .....	225.00	225.00
Equipment .....	400.00	400.00
<b>Total .....</b>	<b>\$ 675.00</b>	<b>\$ 675.00</b>

### **STATE PARK COMMISSION**

#### **TRAPPE POND**

Salary of Superintendent .....	\$ 4,200.00	\$ 4,200.00
Salaries of Hourly Employees ...	2,300.00	2,300.00
Office Expense .....	1,000.00	1,000.00
Operations .....	1,250.00	1,250.00
Repairs and Replacements .....	2,000.00	2,000.00
<b>Total .....</b>	<b>\$ 10,750.00</b>	<b>\$ 10,750.00</b>

# **APPROPRIATION**

## **EXPENSES OF STATE GOVERNMENT**

### **BEACH EROSION**

Fencing Posts and Supplies .....	\$ 1,300.00	\$ 1,300.00
Salary of Superintendent .....	2,000.00	2,000.00
Salaries of Hourly Employees ..	2,500.00	2,500.00
Travel .....	500.00	500.00
Total .....	\$ 6,300.00	\$ 6,300.00

### **FORT DELAWARE**

Salary of Superintendent .....	\$ 1,800.00	\$ 1,800.00
Office Expense .....	200.00	200.00
Repairs and Replacements .....	1,250.00	1,250.00
Equipment .....	1,250.00	1,250.00
Total .....	\$ 4,500.00	\$ 4,500.00

### **PARK COMMISSION—GENERAL OPERATIONS**

Salary of Park Commission		
Secretary .....	\$ 1,200.00	\$ 1,200.00
Office Expense .....	100.00	100.00
Travel .....	300.00	300.00
Total .....	\$ 1,600.00	\$ 1,600.00

### **TOTAL State Park**

Commission .....	\$ 23,150.00	\$ 23,150.00
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### **DELAWARE STATE DEVELOPMENT COMMISSION**

Salary of Director .....	\$ 5,000.00	\$ 5,000.00
Salaries and Wages .....	9,000.00	9,000.00
Office Expense .....	2,000.00	2,000.00
Travel .....	2,000.00	2,000.00
Operations .....	15,000.00	15,000.00
Repairs and Replacements .....	500.00	200.00
Equipment .....	500.00	300.00
Total .....	\$ 34,000.00	\$ 33,500.00

# **APPROPRIATION**

## **EXPENSES OF STATE GOVERNMENT**

### **LEWES MEMORIAL COMMISSION**

Salaries and Wages .....	\$ 5,650.00	\$ 5,650.00
Office Expense .....	250.00	250.00
Travel .....	100.00	100.00
Operations .....	700.00	700.00
Repairs and Replacements .....	400.00	400.00
Total .....	\$ 7,100.00	\$ 7,100.00

### **DELAWARE DAY COMMISSION**

Operations .....	\$ 100.00	\$ 100.00
Total .....	\$ 100.00	\$ 100.00

<b>TOTAL MISCELLANEOUS</b>	<b>\$237,315.00</b>	<b>\$233,965.00</b>
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## **ROADS, MAINTENANCE, POLICE, ETC.**

### **STATE HIGHWAY DEPARTMENT**

#### **ADMINISTRATION**

Salary of Chief Engineer .....	\$ 12,500.00	\$ 12,500.00
Salary of Secretary .....	8,000.00	8,000.00
Salaries and Wages .....	26,000.00	26,000.00
Office Expense .....	6,500.00	6,500.00
Travel .....	500.00	500.00
Operations .....	5,000.00	5,000.00
Repairs and Replacements .....	3,500.00	3,500.00
Equipment .....	700.00	700.00
Total .....	\$ 62,700.00	\$ 62,700.00

#### **MOTOR VEHICLE DIVISION**

Salaries and Wages .....	\$300,000.00	\$300,000.00
Office Expense .....	24,000.00	24,000.00
Travel .....	1,500.00	1,500.00
Operations .....	75,000.00	75,000.00
Repairs and Replacements .....	10,000.00	10,000.00
Equipment .....	1,500.00	1,500.00
Total .....	\$412,000.00	\$412,000.00

# **APPROPRIATION**

## **EXPENSES OF STATE GOVERNMENT**

### **MOTOR VEHICLE SAFETY RESPONSIBILITY DIVISION**

Salary of Director .....	\$ 3,600.00	\$ 3,600.00
Salaries and Wages .....	3,600.00	3,600.00
Office Expense .....	6,200.00	6,200.00
Travel .....	300.00	300.00
Repairs and Replacements .....	400.00	400.00
Operations .....	1,900.00	1,900.00
<b>Total .....</b>	<b>\$ 16,000.00</b>	<b>\$ 16,000.00</b>

### **STATE POLICE DIVISION**

Salary and Wages .....	\$550,000.00	\$550,000.00
Office Expense .....	15,000.00	15,000.00
Travel .....	3,000.00	3,000.00
Operations .....	100,000.00	100,000.00
Repairs and Replacements .....	40,000.00	40,000.00
Equipment .....	8,000.00	8,000.00
<b>Total .....</b>	<b>\$716,000.00</b>	<b>\$716,000.00</b>

### **MOTOR FUEL TAX DIVISION**

Salaries and Wages .....	\$ 16,000.00	\$ 16,000.00
Office Expense .....	1,575.00	1,575.00
Travel .....	1,200.00	1,200.00
Repairs and Replacements .....	600.00	1,000.00
Equipment .....	200.00	200.00
<b>Total .....</b>	<b>\$ 19,575.00</b>	<b>\$ 19,975.00</b>

### **OUTDOOR ADVERTISING DIVISION**

Salaries and Wages .....	\$ 3,200.00	\$ 3,200.00
Office Expense .....	50.00	50.00
Travel .....	400.00	400.00
Operations .....	50.00	50.00
<b>Total .....</b>	<b>\$ 3,700.00</b>	<b>\$ 3,700.00</b>

# APPROPRIATION EXPENSES OF STATE GOVERNMENT

## MAINTENANCE

Salaries and Wages .....	\$1,550,000.00	\$1,550,000.00
Office Expense .....	6,000.00	5,400.00
Operations .....	350,000.00	350,000.00
Repairs and Replacements .....	800,000.00	800,000.00
Equipment .....	83,000.00	83,000.00
Total .....	\$2,789,000.00	\$2,788,400.00

## HIGHWAY CONSTRUCTION

Salaries and Wages .....	\$350,000.00	\$350,000.00
Operations .....	588,500.00	588,500.00
Total .....	\$938,500.00	\$938,500.00

## MOSQUITO CONTROL DIVISION

Salaries and Wages .....	\$ 45,000.00	\$ 45,000.00
Office Expense .....	800.00	800.00
Travel .....	500.00	500.00
Operations .....	45,000.00	45,000.00
Repairs and Replacements .....	4,000.00	4,000.00
Equipment .....	1,000.00	1,000.00
Total .....	\$ 96,300.00	\$ 96,300.00

TOTAL ROADS, MAINTENANCE, POLICE, ETC. ...	\$5,053,775.00	\$5,053,575.00
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## HEALTH

### STATE BOARD OF HEALTH

Salary—Executive Secretary and Registrar of Vital Statistics ..	\$ 12,500.00	\$ 12,500.00
Salary—Kent County Plumbing Inspector .....	3,990.00	3,990.00
Salaries and Wages .....	289,800.00	289,800.00
Office Expense .....	21,235.00	21,235.00
Travel .....	8,775.00	8,775.00

# **APPROPRIATION**

## **EXPENSES OF STATE GOVERNMENT**

Operations .....	15,450.00	15,600.00
Repairs and Replacements .....	20,000.00	20,000.00
Equipment .....	500.00	500.00
<b>Total .....</b>	<b>\$372,250.00</b>	<b>\$372,400.00</b>

## **STATE BOARD OF HEALTH—CRIPPLED CHILDREN**

Salaries and Wages .....	\$ 50,000.00	\$ 50,000.00
Travel .....	500.00	500.00
Operations .....	1,000.00	1,000.00
Equipment .....	100.00	100.00
<b>Total .....</b>	<b>\$ 51,600.00</b>	<b>\$ 51,600.00</b>

## **STATE BOARD OF HEALTH—CANCER CONTROL**

Detection and Control .....	\$ 40,000.00	\$ 40,000.00
<b>Total .....</b>	<b>\$ 40,000.00</b>	<b>\$ 40,000.00</b>
<b>TOTAL State Board of Health .....</b>	<b>\$463,850.00</b>	<b>\$464,000.00</b>

## **WATER POLLUTION COMMISSION**

Salaries and Wages .....	\$ 25,000.00	\$ 25,000.00
Office Expense .....	4,000.00	4,000.00
Travel .....	1,500.00	1,500.00
Operations .....	1,200.00	1,200.00
Repairs and Replacements .....	150.00	150.00
Equipment .....	500.00	250.00
<b>Total .....</b>	<b>\$ 32,350.00</b>	<b>\$ 32,100.00</b>
<b>TOTAL HEALTH .....</b>	<b>\$496,200.00</b>	<b>\$496,100.00</b>

# **APPROPRIATION**

## **EXPENSES OF STATE GOVERNMENT**

### **AGRICULTURE, FORESTRY, ETC.**

#### **STATE BOARD OF AGRICULTURE**

Salaries and Wages .....	\$162,900.00	\$162,900.00
Office Expense .....	9,000.00	9,000.00
Travel .....	14,000.00	14,000.00
Operations .....	30,000.00	30,000.00
Repairs and Replacements .....	7,500.00	7,500.00
Equipment .....	4,200.00	2,500.00
<b>Total .....</b>	<b>\$227,600.00</b>	<b>\$225,900.00</b>

#### **SOIL CONSERVATION COMMISSION**

Salaries and Wages .....	\$ 7,200.00	\$ 7,200.00
Office Expense .....	950.00	950.00
Travel .....	1,950.00	1,950.00
Uniform Drainage Law .....	600.00	600.00
<b>Total .....</b>	<b>\$ 10,700.00</b>	<b>\$ 10,700.00</b>

#### **STATE POULTRY COMMISSION**

Salary of Executive Secretary ..	\$ 3,075.00	\$ 3,075.00
Salary of Stenographer .....	1,400.00	1,400.00
Office Expense .....	800.00	800.00
Travel .....	1,200.00	1,200.00
Operations .....	32,000.00	32,000.00
Equipment .....	200.00	200.00
<b>Total .....</b>	<b>\$ 38,675.00</b>	<b>\$ 38,675.00</b>

<b>TOTAL Agriculture .....</b>	<b>\$276,975.00</b>	<b>\$275,275.00</b>
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#### **STATE FORESTRY DEPARTMENT**

##### **ADMINISTRATION**

Salaries and Wages .....	\$ 15,000.00	\$ 15,000.00
<b>Total .....</b>	<b>\$ 15,000.00</b>	<b>\$ 15,000.00</b>

# **APPROPRIATION**

## **EXPENSES OF STATE GOVERNMENT**

### **SPECIAL FIRE PROTECTION & EXTINCTION**

Salaries and Wages .....	\$ 7,500.00	\$ 7,500.00
Office Expense .....	1,000.00	1,000.00
Travel .....	300.00	300.00
Operations .....	450.00	450.00
Repairs and Replacements .....	1,200.00	1,200.00
Equipment .....	1,000.00	1,000.00
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Total .....	\$ 11,450.00	\$ 11,450.00
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TOTAL Forestry .....	\$ 26,450.00	\$ 26,450.00

### **GAME AND FISH COMMISSION**

Salary of Commissioners .....	\$ 900.00	\$ 900.00
Salary of Chief Warden .....	3,600.00	3,600.00
Salary of Game Technician .....	5,000.00	5,000.00
Salaries and Wages .....	38,500.00	38,500.00
Office Expense .....	2,500.00	2,500.00
Travel .....	10,000.00	10,000.00
Operations .....	19,000.00	19,000.00
Repairs and Replacements .....	2,000.00	2,000.00
Equipment .....	1,000.00	1,000.00
Moore's Lake Rearing Ponds .....	250.00	250.00
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Total .....	\$ 82,750.00	\$ 82,750.00
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### **TOTAL AGRICULTURE,**

**FORESTRY, ETC. .... \$386,175.00      \$384,475.00**

## **PUBLIC WELFARE**

### **GOVERNOR—DEAF & BLIND WARDS OF THE STATE**

Board and Tuition .....	\$ 45,000.00	\$ 55,000.00
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Total .....	\$ 45,000.00	\$ 55,000.00



# APPROPRIATION

## EXPENSES OF STATE GOVERNMENT

### DELAWARE COMMISSION FOR BLIND AND

#### SUNNYBROOK COTTAGE

Salaries and Wages .....	\$ 57,500.00	\$ 57,500.00
Office Expense .....	1,530.00	1,530.00
Travel .....	4,230.00	4,230.00
Operations .....	18,000.00	18,000.00
Material .....	9,000.00	9,000.00
Repairs and Replacements .....	4,400.00	5,400.00
Assistance Grants .....	65,000.00	65,000.00
Total .....	\$159,660.00	\$160,660.00

#### BOARD OF WELFARE

Salary of Director (State Share) \$	6,500.00	\$ 6,500.00
Salaries and Wages (State Share)	152,500.00	152,500.00
Office Expense (State Share) ....	22,000.00	22,000.00
Travel (State Share) .....	9,000.00	9,000.00
Repairs and Repulacements (State Share) .....	5,000.00	5,000.00
Equipment (State Share) .....	1,000.00	1,000.00
Medical Grants—Public Assist- ance (State Share) .....	12,000.00	12,000.00
Old Age Assistance—Grants (State Share) .....	240,000.00	240,000.00
Direct Care—Child Welfare Service (State Share) .....	214,000.00	214,000.00
Assistance Grants—A. D. C. (State Share) .....	130,000.00	130,000.00
Aid to Disabled—Grants (State (Share) .....	30,000.00	30,000.00
Reimbursement to Counties— Outside Relief (State Share) ..	190,000.00	190,000.00
Total .....	\$1,012,000.00	\$1,012,000.00

# **APPROPRIATION**

## **EXPENSES OF STATE GOVERNMENT**

### **STATE WELFARE HOME**

Operations—Reimbursement to Counties .....	\$287,917.00	\$286,967.00
Total .....	\$287,917.00	\$286,967.00

### **DELAWARE STATE HOSPITAL**

Salary of Superintendent .....	\$ 12,500.00	\$ 12,500.00
Salaries and Wages .....	900,000.00	900,000.00
Office Expense .....	14,000.00	14,000.00
Travel .....	4,500.00	4,500.00
Operations .....	390,000.00	390,000.00
Repairs and Replacements .....	50,000.00	50,000.00
Equipment .....	6,000.00	6,000.00
Total .....	\$1,377,000.00	\$1,377,000.00

### **GOVERNOR BACON HEALTH CENTER**

Salary of Superintendent .....	\$ 5,000.00	\$ 5,000.00
Salaries and Wages .....	465,000.00	465,000.00
Office Expense .....	9,500.00	9,500.00
Travel .....	3,000.00	3,000.00
Operations .....	154,400.00	182,300.00
Repairs and Replacements .....	20,000.00	20,000.00
Total .....	\$656,900.00	\$684,800.00

### **DELAWARE COMMISSION FOR THE FEEBLEMINDED**

Salaries and Wages .....	\$329,000.00	\$329,000.00
Office Expense .....	9,700.00	9,700.00
Travel .....	3,200.00	3,200.00
Operations .....	180,000.00	180,000.00
Repairs and Replacements .....	105,000.00	105,000.00
Equipment .....	10,000.00	10,000.00
Total .....	\$636,900.00	\$636,900.00

# **APPROPRIATION**

## **EXPENSES OF STATE GOVERNMENT**

### **FERRIS SCHOOL FOR BOYS**

Salaries and Wages .....	\$110,000.00	\$110,000.00
Office Expense .....	2,500.00	2,500.00
Travel .....	6,000.00	6,000.00
Operations .....	75,000.00	75,000.00
Repairs and Replacements .....	25,000.00	25,000.00
Equipment .....	2,500.00	2,500.00
<b>Total .....</b>	<b>\$221,000.00</b>	<b>\$221,000.00</b>

### **DETENTION HOME FOR JUVENILES**

Salaries and Wages .....	\$ 8,000.00	\$ 8,000.00
<b>Total .....</b>	<b>\$ 8,000.00</b>	<b>\$ 8,000.00</b>

### **KRUSE SCHOOL**

Salaries and Wages .....	\$ 32,000.00	\$ 32,000.00
Office Expense .....	1,600.00	1,600.00
Travel .....	810.00	810.00
Operations .....	23,800.00	22,500.00
Repairs and Replacements .....	7,000.00	5,500.00
Equipment .....	925.00	575.00
<b>Total .....</b>	<b>\$ 66,135.00</b>	<b>\$ 62,985.00</b>

### **STATE BOARD OF HEALTH—EMILY P. BISSELL SANATORIUM**

Salaries and Wages .....	\$465,000.00	\$465,000.00
Office Expense .....	6,500.00	6,500.00
Travel .....	2,600.00	2,600.00
Operations .....	200,000.00	260,000.00
Repairs and Replacements .....	27,000.00	27,000.00
Equipment .....	6,000.00	6,000.00
<b>Total .....</b>	<b>\$707,100.00</b>	<b>\$767,100.00</b>

### **TOTAL PUBLIC**

<b>WELFARE .....</b>	<b>\$5,177,612.00</b>	<b>\$5,272,412.00</b>
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## APPROPRIATION

## EXPENSES OF STATE GOVERNMENT

## GRANTS-IN-AID

## PENINSULA HORTICULTURAL SOCIETY

Office Expense .....	\$	900.00	\$	900.00
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Total .....	\$	900.00	\$	900.00

## CROP IMPROVEMENT ASSOCIATION

Operations .....	\$	450.00	\$	450.00
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Total .....	\$	450.00	\$	450.00

TOTAL GRANTS-IN-AID .	\$	1,350.00	\$	1,350.00
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TOTAL AGENCIES, GRANTS-IN-AID, ETC. ...	\$18,055,938.98	\$18,592,020.73
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## EDUCATION

## UNIVERSITY OF DELAWARE

Salaries and Wages .....	\$1,561,280.00	\$1,561,280.00
Office Expense .....	11,000.00	11,000.00
Travel .....	16,100.00	16,100.00
Operations .....	424,750.00	424,750.00
Repairs and Replacements .....	40,000.00	40,000.00
Equipment .....	31,000.00	31,000.00
Permanent Improvements .....	7,000.00	7,000.00
Scholarships .....	25,000.00	25,000.00
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Total .....	\$2,116,130.00	\$2,116,130.00

## DELAWARE STATE COLLEGE

Salaries and Wages .....	\$190,000.00	\$190,000.00
Office Expense .....	5,000.00	5,000.00
Travel .....	2,000.00	2,000.00

# **APPROPRIATION**

## **EXPENSES OF STATE GOVERNMENT**

Operations .....	50,000.00	50,000.00
Repairs and Replacements .....	25,000.00	25,000.00
Equipment .....	20,000.00	20,000.00
Total .....	<u>\$292,000.00</u>	<u>\$292,000.00</u>

# **STATE BOARD OF EDUCATION**

## **GENERAL OR ADMINISTRATIVE CONTROL**

Salaries and Wages .....	\$ 72,000.00	\$ 72,000.00
Office Expense .....	15,000.00	15,000.00
Travel .....	3,000.00	3,000.00
Telephone and Telegraph .....	3,500.00	3,500.00
Other Costs .....	1,000.00	1,000.00
Special Printing Course of Study .....	1,500.00	1,500.00
Convention Travel .....	250.00	250.00
Total .....	<u>\$ 96,250.00</u>	<u>\$ 96,250.00</u>

## **INSTRUCTIONAL SERVICE**

Salaries of Supervisors .....	\$119,770.00	\$119,770.00
Instructional Service Supplies ..	1,000.00	1,000.00
Text Books .....	500.00	500.00
Other Costs .....	5,000.00	5,000.00
Travel .....	8,000.00	8,000.00
Visual Education .....	1,000.00	1,000.00
Total .....	<u>\$135,270.00</u>	<u>\$135,270.00</u>

## **MAINTENANCE—REPAIRS AND REPLACEMENTS**

Salaries .....	\$ 3,500.00	\$ 3,500.00
Supplies and Replacements .....	2,000.00	2,000.00
Other Costs .....	5,500.00	5,500.00
Total .....	<u>\$ 11,000.00</u>	<u>\$ 11,000.00</u>

# APPROPRIATION EXPENSES OF STATE GOVERNMENT

## FIXED CHARGES

Fire Insurance .....	\$ 35,000.00	\$ 40,000.00
Other Insurance .....	4,500.00	4,500.00
Rent .....	6,600.00	6,600.00
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Total .....	\$ 46,100.00	\$ 51,100.00

## ADULT EDUCATION

Salaries .....	\$ 7,250.00	\$ 7,250.00
Other Costs .....	600.00	600.00
Travel .....	400.00	400.00
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Total .....	\$ 8,250.00	\$ 8,250.00

## SCHOOL LUNCH PROGRAM

Salaries and Wages .....	\$ 5,600.00	\$ 5,600.00
Travel .....	800.00	800.00
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Total .....	\$ 6,400.00	\$ 6,400.00

## SERVICE BUREAU

Salaries .....	\$ 8,480.00	\$ 8,480.00
Other Costs .....	220.00	220.00
Travel .....	100.00	100.00
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Total .....	\$ 8,800.00	\$ 8,800.00

## VISITING TEACHERS

Salaries .....	\$ 15,500.00	\$ 15,500.00
Travel .....	3,000.00	3,000.00
Other Costs .....	300.00	300.00
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Total .....	\$ 18,800.00	\$ 18,800.00

## STUDENT DRIVER TRAINING

Salaries .....	\$ 48,360.00	\$ 49,920.00
Travel .....	3,000.00	3,000.00
Other Costs .....	2,000.00	2,000.00
Equipment .....	2,000.00	2,000.00
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Total .....	\$ 55,360.00	\$ 56,920.00

## APPROPRIATION

## EXPENSES OF STATE GOVERNMENT

## TRANSPORTATION

Salaries .....	\$ 10,132.00	\$ 10,132.00
Travel .....	425.00	425.00
Transportation of Pupils to and from Regular Sessions of School .....	726,000.00	776,000.00
Total .....	\$736,557.00	\$786,557.00

## CAPITAL OUTLAY

Library Books .....	\$ 200.00	\$ 200.00
Equipment .....	1,000.00	1,000.00
Total .....	\$ 1,200.00	\$ 1,200.00

## HANDICAPPED CHILDREN

Day School—All Costs .....	\$ 21,480.00	\$ 22,280.00
Governor Bacon Health Center— All Costs .....	26,820.00	30,020.00
A. I. DuPont Institute—All Costs .....	4,460.00	4,620.00
Sanatoria—All Costs .....	2,100.00	2,260.00
Detention Home—All Costs ....	2,860.00	3,020.00
Home Bound—All Costs .....	16,024.00	16,024.00
Wilmington—All Costs .....	46,896.00	48,496.00
Special Classes .....	17,240.00	17,880.00
Supplies and Travel .....	11,000.00	11,000.00
Salaries .....	70,000.00	70,000.00
Total .....	\$218,880.00	\$225,600.00

TOTAL—State Board  
of Education ..... \$1,342,867.00 \$1,406,147.00

## STATE BOARD FOR VOCATIONAL EDUCATION

## VOCATIONAL EDUCATION (AG., HOME EC., TRADES)

Salary of Director (State Share) .	\$ 4,000.00	\$ 4,000.00
Salaries and Wages (State Share)	28,078.00	28,078.00
Travel (State Share) .....	2,400.00	2,400.00

## APPROPRIATION

## EXPENSES OF STATE GOVERNMENT

Other Vocational Costs (State Share) .....	2,740.00	2,740.00
Training (Ag., Home Ec., Etc.) (State Share) .....	16,150.00	16,150.00
Total .....	\$ 53,368.00	\$ 53,368.00

## REHABILITATION DIVISION

Operations (State Share) .....	\$ 58,000.00	\$ 58,000.00
Total .....	\$ 58,000.00	\$ 58,000.00

## TEACHER TRAINING PROGRAM

University of Delaware .....	\$ 8,500.00	\$ 8,500.00
Delaware State College .....	2,300.00	2,300.00
Wilmington .....	1,800.00	1,800.00
Total .....	\$ 12,600.00	\$ 12,600.00
Total—State Board for Vocational Education .....	\$123,968.00	\$123,968.00

## SPECIAL SCHOOL DISTRICTS

## ALEXIS I. duPONT

## SALARIES

Administrative .....	\$ 6,700.00	\$ 6,700.00
Clerical .....	5,274.00	5,482.00
Instructional .....	178,240.00	180,440.00
Janitorial .....	22,600.00	23,400.00
Health .....	3,780.00	3,940.00
All Other Costs .....	23,100.00	23,100.00
Capital Outlay .....	1,050.00	1,050.00
Total .....	\$240,744.00	\$244,112.00



**APPROPRIATION**  
**EXPENSES OF STATE GOVERNMENT**

**CAESAR RODNEY**

**SALARIES**

Administrative .....	\$ 6,700.00	\$ 6,700.00
Clerical .....	5,746.00	5,834.00
Instructional .....	204,958.00	208,030.00
Janitorial .....	19,100.00	19,800.00
Health .....	3,940.00	4,100.00
All Other Costs .....	27,500.00	27,500.00
Capital Outlay .....	1,250.00	1,250.00
<b>Total .....</b>	<b>\$269,194.00</b>	<b>\$273,214.00</b>

**CLAYMONT**

**SALARIES**

Administrative .....	\$ 6,300.00	\$ 6,300.00
Clerical .....	5,658.00	5,746.00
Instructional .....	210,098.00	213,386.00
Janitorial .....	27,150.00	28,125.00
Health .....	4,100.00	4,100.00
All Other Costs .....	26,400.00	26,400.00
Capital Outlay .....	1,200.00	1,200.00
<b>Total .....</b>	<b>\$280,906.00</b>	<b>\$285,257.00</b>

**DOVER**

**SALARIES**

Administrative .....	\$ 6,300.00	\$ 6,300.00
Clerical .....	7,745.00	7,953.00
Instructional .....	329,520.00	333,840.00
Janitorial .....	29,025.00	30,075.00
Health .....	6,920.00	7,240.00
All Other Costs .....	43,450.00	43,450.00
Capital Outlay .....	1,975.00	1,975.00
<b>Total .....</b>	<b>\$424,935.00</b>	<b>\$430,833.00</b>

**APPROPRIATION**  
**EXPENSES OF STATE GOVERNMENT**

**GEORGETOWN**

**SALARIES**

Administrative .....	\$ 6,300.00	\$ 6,300.00
Clerical .....	5,570.00	5,658.00
Instructional .....	167,142.00	169,710.00
Janitorial .....	17,525.00	22,875.00
Health .....	3,420.00	3,580.00
All Other Costs .....	22,550.00	22,550.00
Capital Outlay .....	1,025.00	1,025.00
<b>Total .....</b>	<b>\$223,532.00</b>	<b>\$231,698.00</b>

**HARRINGTON**

**SALARIES**

Administrative .....	\$ 6,100.00	\$ 6,100.00
Clerical .....	5,394.00	5,482.00
Instructional .....	138,180.00	139,620.00
Janitorial .....	18,175.00	18,825.00
Health .....	4,100.00	4,100.00
All Other Costs .....	18,150.00	18,150.00
Capital Outlay .....	825.00	825.00
<b>Total .....</b>	<b>\$190,924.00</b>	<b>\$193,102.00</b>

**LAUREL**

**SALARIES**

Administrative .....	\$ 6,300.00	\$ 6,300.00
Clerical .....	7,050.00	7,218.00
Instructional .....	264,918.00	270,126.00
Janitorial .....	21,350.00	21,825.00
Health .....	4,570.00	4,810.00
All Other Costs .....	35,200.00	35,200.00
Capital Outlay .....	1,600.00	1,600.00
<b>Total .....</b>	<b>\$340,988.00</b>	<b>\$347,079.00</b>

# APPROPRIATION EXPENSES OF STATE GOVERNMENT

## LEWES

### SALARIES

Administrative .....	\$ 6,100.00	\$ 6,100.00
Clerical .....	4,498.00	4,706.00
Instructional .....	148,624.00	152,456.00
Janitorial .....	18,250.00	18,925.00
Health .....	3,780.00	3,940.00
All Other Costs .....	20,350.00	20,350.00
Capital Outlay .....	925.00	925.00
Total .....	\$202,527.00	\$207,402.00

## MILFORD

### SALARIES

Administrative .....	\$ 6,700.00	\$ 6,700.00
Clerical .....	7,385.00	7,553.00
Instructional .....	282,170.00	286,170.00
Janitorial .....	21,800.00	22,500.00
Health .....	5,510.00	5,750.00
All Other Costs .....	37,400.00	37,400.00
Capital Outlay .....	1,700.00	1,700.00
Total .....	\$362,665.00	\$367,773.00

## MT. PLEASANT

### SALARIES

Administrative .....	\$ 6,300.00	\$ 6,300.00
Clerical .....	8,305.00	8,305.00
Instructional .....	384,310.00	392,190.00
Janitorial .....	32,775.00	41,650.00
Health .....	6,760.00	7,080.00
All Other Costs .....	52,250.00	52,250.00
Capital Outlay .....	2,375.00	2,375.00
Total .....	\$493,075.00	\$510,150.00

**APPROPRIATION**  
**EXPENSES OF STATE GOVERNMENT**

**NEWARK**

**SALARIES**

Administrative .....	\$ 6,300.00	\$ 6,300.00
Clerical .....	8,305.00	8,305.00
Instructional .....	384,068.00	390,548.00
Janitorial .....	33,650.00	34,775.00
Health .....	7,080.00	7,240.00
All Other Costs .....	51,150.00	51,150.00
Capital Outlay .....	2,325.00	2,325.00
<b>Total .....</b>	<b>\$492,878.00</b>	<b>\$500,643.00</b>

**NEW CASTLE**

**SALARIES**

Administrative .....	\$ 6,300.00	\$ 6,300.00
Clerical .....	8,042.00	8,130.00
Instructional .....	340,896.00	350,192.00
Janitorial .....	45,050.00	46,575.00
Health .....	6,120.00	6,440.00
All Other Costs .....	48,950.00	48,950.00
Capital Outlay .....	2,225.00	2,225.00
<b>Total .....</b>	<b>\$457,583.00</b>	<b>\$468,812.00</b>

**REHOBOTH**

**SALARIES**

Administrative .....	\$ 6,100.00	\$ 6,100.00
Clerical .....	3,300.00	3,300.00
Instructional .....	71,920.00	72,080.00
Janitorial .....	11,950.00	12,375.00
Health .....	3,620.00	3,780.00
All Other Costs .....	8,800.00	8,800.00
Capital Outlay .....	400.00	400.00
<b>Total .....</b>	<b>\$106,090.00</b>	<b>\$106,835.00</b>

**APPROPRIATION**  
**EXPENSES OF STATE GOVERNMENT**

**SEAFORD**

**SALARIES**

Administrative .....	\$ 6,700.00	\$ 6,700.00
Clerical .....	7,058.00	7,226.00
Instructional .....	299,278.00	307,051.00
Janitorial .....	29,425.00	30,275.00
Health .....	5,150.00	5,390.00
All Other Costs .....	39,600.00	39,600.00
Capital Outlay .....	1,800.00	1,800.00
Total .....	<u>\$389,011.00</u>	<u>\$398,042.00</u>

**SMYRNA**

**SALARIES**

Administrative .....	\$ 6,300.00	\$ 6,300.00
Clerical .....	5,834.00	5,922.00
Instructional .....	172,856.00	175,896.00
Janitorial .....	18,050.00	18,550.00
Health .....	3,580.00	3,740.00
All Other Costs .....	23,650.00	23,650.00
Capital Outlay .....	1,075.00	1,075.00
Total .....	<u>\$231,345.00</u>	<u>\$235,133.00</u>

**TOTAL—Special**

School Districts .....	\$4,706,397.00	\$4,800,085.00
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**LOCAL SCHOOL DISTRICTS**

**ARDEN NO. 3**

**SALARIES**

Instructional .....	\$ 12,300.00	\$ 12,300.00
Janitorial .....	2,300.00	2,400.00
All Other Costs .....	1,650.00	1,650.00
Capital Outlay .....	75.00	75.00
Total .....	<u>\$ 16,325.00</u>	<u>\$ 16,425.00</u>

# APPROPRIATION EXPENSES OF STATE GOVERNMENT

## ALFRED I. duPONT NO. 7

### SALARIES

Administrative .....	\$ 6,300.00	\$ 6,300.00
Clerical .....	4,618.00	4,826.00
Instructional .....	169,710.00	173,710.00
Janitorial .....	11,950.00	12,375.00
Health .....	3,940.00	4,100.00
All Other Costs .....	23,650.00	23,650.00
Capital Outlay .....	1,075.00	1,075.00
Total .....	<u>\$221,243.00</u>	<u>\$226,036.00</u>

## RICHARDSON PARK NO. 20

### SALARIES

Administrative .....	\$ 6,300.00	\$ 6,300.00
Clerical .....	5,394.00	5,482.00
Instructional .....	166,360.00	169,240.00
Janitorial .....	16,500.00	17,100.00
Health .....	3,780.00	3,940.00
All Other Costs .....	22,550.00	22,550.00
Capital Outlay .....	1,025.00	1,025.00
Total .....	<u>\$221,909.00</u>	<u>\$225,637.00</u>

## NEWPORT NO. 21

### SALARIES

Administrative .....	\$ 6,100.00	\$ 6,100.00
Clerical .....	5,658.00	5,746.00
Instructional .....	142,930.00	146,130.00
Janitorial .....	17,950.00	18,550.00
Health .....	3,140.00	3,300.00
All Other Costs .....	20,900.00	20,900.00
Capital Outlay .....	950.00	950.00
Total .....	<u>\$197,628.00</u>	<u>\$201,676.00</u>

## APPROPRIATION

## EXPENSES OF STATE GOVERNMENT

## HOCKESSIN NO. 29

## SALARIES

Instructional .....	\$ 17,500.00	\$ 17,500.00
Janitorial .....	2,400.00	2,500.00
Health .....	350.00	350.00
All Other Costs .....	2,200.00	2,200.00
Capital Outlay .....	100.00	100.00
<hr/>		
Total .....	\$ 22,550.00	\$ 22,650.00

## STANTON NO. 38

## SALARIES

Instructional .....	\$ 38,800.00	\$ 39,120.00
Janitorial .....	4,725.00	4,875.00
All Other Costs .....	4,950.00	4,950.00
Capital Outlay .....	225.00	225.00
<hr/>		
Total .....	\$ 48,700.00	\$ 49,170.00

## CHRISTIANA NO. 44

## SALARIES

Instructional .....	\$ 29,580.00	\$ 30,220.00
Janitorial .....	2,700.00	2,700.00
All Other Costs .....	4,400.00	4,400.00
Capital Outlay .....	200.00	200.00
<hr/>		
Total .....	\$ 36,880.00	\$ 37,520.00

## ROSE HILL-MINQUADALE NO. 47

## SALARIES

Administrative .....	\$ 6,500.00	\$ 6,500.00
Clerical .....	5,090.00	5,298.00
Instructional .....	146,850.00	150,530.00
Janitorial .....	22,175.00	22,900.00
Health .....	2,940.00	3,100.00
All Other Costs .....	21,450.00	21,450.00
Capital Outlay .....	975.00	975.00
<hr/>		
Total .....	\$205,980.00	\$210,753.00

**APPROPRIATION**  
**EXPENSES OF STATE GOVERNMENT**

**DELAWARE CITY NO. 52**

**SALARIES**

Administrative .....	\$ 5,300.00	\$ 5,300.00
Clerical .....	2,915.00	3,025.00
Instructional .....	52,896.00	54,272.00
Janitorial .....	5,400.00	5,600.00
Health .....	1,230.00	1,305.00
All Other Costs .....	8,250.00	8,250.00
Capital Outlay .....	375.00	375.00
<b>Total .....</b>	<b>\$ 76,366.00</b>	<b>\$ 78,127.00</b>

**COMMODORE MacDONOUGH NO. 53**

**SALARIES**

Instructional .....	\$ 41,216.00	\$ 42,000.00
Janitorial .....	3,375.00	3,425.00
Health .....	1,230.00	1,305.00
All Other Costs .....	6,050.00	6,050.00
Capital Outlay .....	275.00	275.00
<b>Total .....</b>	<b>\$ 52,146.00</b>	<b>\$ 53,055.00</b>

**MIDDLETOWN NO. 60**

**SALARIES**

Administrative .....	\$ 6,100.00	\$ 6,100.00
Clerical .....	3,300.00	3,300.00
Instructional .....	123,120.00	124,560.00
Janitorial .....	13,250.00	13,725.00
Health .....	4,100.00	4,100.00
All Other Costs .....	15,950.00	15,950.00
Capital Outlay .....	725.00	725.00
<b>Total .....</b>	<b>\$166,545.00</b>	<b>\$168,460.00</b>



**APPROPRIATION**  
**EXPENSES OF STATE GOVERNMENT**

**MARSHALLTON NO. 77**

**SALARIES**

Administrative .....	\$ 6,100.00	\$ 6,100.00
Clerical .....	5,218.00	5,306.00
Instructional .....	133,794.00	136,690.00
Janitorial .....	11,250.00	14,175.00
Health .....	3,780.00	3,940.00
All Other Costs .....	18,150.00	18,150.00
Capital Outlay .....	825.00	825.00
 Total .....	 \$179,117.00	 \$185,186.00

**TOWNSEND NO. 81**

**SALARIES**

Instructional .....	\$ 38,280.00	\$ 38,920.00
Janitorial .....	3,375.00	3,425.00
Health .....	370.00	370.00
All Other Costs .....	5,500.00	5,500.00
Capital Outlay .....	250.00	250.00
 Total .....	 \$ 47,775.00	 \$ 48,465.00

**YORKLYN NO. 91**

**SALARIES**

Instructional .....	\$ 18,100.00	\$ 18,100.00
Janitorial .....	2,400.00	2,500.00
All Other Costs .....	2,200.00	2,200.00
Capital Outlay .....	100.00	100.00
 Total .....	 \$ 22,800.00	 \$ 22,900.00

**APPROPRIATION**  
**EXPENSES OF STATE GOVERNMENT**

**OAK GROVE NO. 130**

**SALARIES**

Administrative .....	\$ 6,100.00	\$ 6,100.00
Clerical .....	5,034.00	5,242.00
Instructional .....	140,780.00	144,620.00
Janitorial .....	20,325.00	21,050.00
Health .....	3,580.00	3,740.00
All Other Costs .....	21,450.00	21,450.00
Capital Outlay .....	975.00	975.00
<b>Total .....</b>	<b>\$198,244.00</b>	<b>\$203,177.00</b>

**HENRY C. CONRAD NO. 131**

**SALARIES**

Administrative .....	\$ 5,900.00	\$ 5,900.00
Clerical .....	4,618.00	4,826.00
Instructional .....	160,000.00	163,040.00
Janitorial .....	11,300.00	14,400.00
Health .....	2,620.00	2,780.00
All Other Costs .....	21,450.00	21,450.00
Capital Outlay .....	975.00	975.00
<b>Total .....</b>	<b>\$206,863.00</b>	<b>\$213,371.00</b>

**NEWPORT NO. 106-C**

**SALARIES**

Administrative .....	\$ 5,300.00	\$ 5,300.00
Clerical .....	2,094.00	2,182.00
Instructional .....	48,464.00	49,424.00
Janitorial .....	6,225.00	6,450.00
Health .....	1,890.00	1,970.00
All Other Costs .....	6,600.00	6,600.00
Capital Outlay .....	300.00	300.00
<b>Total .....</b>	<b>\$ 70,873.00</b>	<b>\$ 72,226.00</b>

# APPROPRIATION

## EXPENSES OF STATE GOVERNMENT

### MIDDLETOWN NO. 120-C

#### SALARIES

Administrative .....	\$ 5,300.00	\$ 5,300.00
Clerical .....	2,475.00	2,585.00
Instructional .....	62,976.00	63,776.00
Janitorial .....	10,000.00	10,350.00
Health .....	1,890.00	1,970.00
All Other Costs .....	8,250.00	8,250.00
Capital Outlay .....	375.00	375.00
Total .....	\$ 91,266.00	\$ 92,606.00

### MILLSIDE NO. 132-C

#### SALARIES

Administrative .....	\$ 5,700.00	\$ 5,700.00
Instructional .....	79,280.00	82,000.00
Janitorial .....	6,075.00	6,125.00
Clerical .....	2,220.00	2,340.00
Health .....	2,460.00	2,620.00
All Other Costs .....	12,100.00	12,100.00
Capital Outlay .....	550.00	550.00
Total .....	\$108,385.00	\$111,435.00

### FREDERICA NO. 32

#### SALARIES

Instructional .....	\$ 31,520.00	\$ 32,320.00
Janitorial .....	3,375.00	3,425.00
All Other Costs .....	4,950.00	4,950.00
Capital Outlay .....	225.00	225.00
Total .....	\$ 40,070.00	\$ 40,920.00

# APPROPRIATION EXPENSES OF STATE GOVERNMENT

## MAGNOLIA NO. 50

SALARIES		
Instructional .....	\$ 16,300.00	\$ 16,300.00
Janitorial .....	2,600.00	2,700.00
All Other Costs .....	2,200.00	2,200.00
Capital Outlay .....	100.00	100.00
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Total .....	\$ 21,200.00	\$ 21,300.00

## FELTON NO. 54

SALARIES		
Administrative .....	\$ 5,700.00	\$ 5,700.00
Clerical .....	3,300.00	3,300.00
Instructional .....	71,656.00	72,248.00
Janitorial .....	6,225.00	6,450.00
Health .....	3,140.00	3,300.00
All Other Costs .....	9,900.00	9,900.00
Capital Outlay .....	450.00	450.00
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Total .....	\$100,371.00	\$101,348.00

## HARTLY NO. 96

SALARIES		
Instructional .....	\$ 23,260.00	\$ 23,420.00
Janitorial .....	2,700.00	2,700.00
All Other Costs .....	3,850.00	3,850.00
Capital Outlay .....	175.00	175.00
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Total .....	\$ 29,985.00	\$ 30,145.00

## CLAYTON NO. 119

SALARIES		
Clerical .....	\$ 1,824.00	\$ 1,904.00
Instructional .....	46,120.00	47,240.00
Janitorial .....	5,300.00	5,400.00
All Other Costs .....	6,600.00	6,600.00
Capital Outlay .....	300.00	300.00
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Total .....	\$ 60,144.00	\$ 61,444.00

# APPROPRIATION EXPENSES OF STATE GOVERNMENT

## HOUSTON NO. 125

### SALARIES

Instructional .....	\$ 16,300.00	\$ 16,300.00
Janitorial .....	2,600.00	2,700.00
All Other Costs .....	2,750.00	2,750.00
Capital Outlay .....	125.00	125.00
Total .....	\$ 21,775.00	\$ 21,875.00

## WILLIAM W. M. HENRY NO. 133-C

### SALARIES

Administrative .....	\$ 5,300.00	\$ 5,300.00
Clerical .....	2,145.00	2,255.00
Instructional .....	47,592.00	48,904.00
Janitorial .....	6,225.00	6,450.00
Health .....	2,460.00	2,620.00
All Other Costs .....	6,050.00	6,050.00
Capital Outlay .....	275.00	275.00
Total .....	\$ 70,047.00	\$ 71,854.00

## LINCOLN NO. 3

### SALARIES

Instructional .....	\$ 20,900.00	\$ 21,220.00
Janitorial .....	2,300.00	2,400.00
All Other Costs .....	2,750.00	2,750.00
Capital Outlay .....	125.00	125.00
Total .....	\$ 26,075.00	\$ 26,495.00

## MILTON NO. 8

### SALARIES

Administrative .....	\$ 5,700.00	\$ 5,700.00
Clerical .....	3,300.00	3,300.00
Instructional .....	89,760.00	91,200.00
Janitorial .....	10,650.00	11,025.00
Health .....	3,940.00	4,100.00

## APPROPRIATION

## EXPENSES OF STATE GOVERNMENT

All Other Costs .....	12,100.00	12,100.00
Capital Outlay .....	550.00	550.00

Total .....	\$126,000.00	\$127,975.00
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## MILLSBORO NO. 23

## SALARIES

Administrative .....	\$ 5,700.00	\$ 5,700.00
Clerical .....	3,060.00	3,180.00
Instructional .....	101,136.00	102,448.00
Janitorial .....	10,000.00	10,350.00
Health .....	3,460.00	3,620.00
All Other Costs .....	13,750.00	13,750.00
Capital Outlay .....	625.00	625.00

Total .....	\$137,731.00	\$139,673.00
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## LORD BALTIMORE NO. 28

## SALARIES

Administrative .....	\$ 5,700.00	\$ 5,700.00
Clerical .....	2,820.00	2,940.00
Instructional .....	83,160.00	84,120.00
Janitorial .....	9,150.00	9,350.00
Health .....	3,940.00	4,100.00
All Other Costs .....	11,000.00	11,000.00
Capital Outlay .....	500.00	500.00

Total .....	\$116,270.00	\$117,710.00
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## SELBYVILLE NO. 32

## SALARIES

Administrative .....	\$ 5,700.00	\$ 5,700.00
Clerical .....	2,580.00	2,700.00
Instructional .....	76,560.00	78,160.00
Janitorial .....	8,700.00	9,000.00
Health .....	3,140.00	3,300.00
All Other Costs .....	10,450.00	10,450.00
Capital Outlay .....	475.00	475.00

Total .....	\$107,605.00	\$109,785.00
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# APPROPRIATION EXPENSES OF STATE GOVERNMENT

## GUMBORO NO. 37

### SALARIES

Instructional .....	\$ 16,900.00	\$ 16,900.00
Janitorial .....	2,400.00	2,500.00
All Other Costs .....	2,200.00	2,200.00
Capital Outlay .....	100.00	100.00
Total .....	\$ 21,600.00	\$ 21,700.00

## BRIDGEVILLE NO. 90

### SALARIES

Administrative .....	\$ 6,100.00	\$ 6,100.00
Clerical .....	3,300.00	3,300.00
Instructional .....	112,700.00	113,660.00
Janitorial .....	10,650.00	11,025.00
Health .....	3,460.00	3,620.00
All Other Costs .....	14,300.00	14,300.00
Capital Outlay .....	650.00	650.00
Total .....	\$151,160.00	\$152,655.00

## GREENWOOD NO. 91

### SALARIES

Administrative .....	\$ 5,700.00	\$ 5,700.00
Clerical .....	3,300.00	3,300.00
Instructional .....	73,600.00	74,560.00
Janitorial .....	8,100.00	8,300.00
Health .....	3,460.00	3,620.00
All Other Costs .....	9,900.00	9,900.00
Capital Outlay .....	450.00	450.00
Total .....	\$104,510.00	\$105,830.00

## JOHN M. CLAYTON NO. 97

### SALARIES

Administrative .....	\$ 5,700.00	\$ 5,700.00
Clerical .....	2,940.00	3,060.00
Instructional .....	85,600.00	86,560.00
Janitorial .....	9,350.00	9,675.00

## APPROPRIATION

## EXPENSES OF STATE GOVERNMENT

Health .....	2,780.00	2,940.00
All Other Costs .....	11,550.00	11,550.00
Capital Outlay .....	525.00	525.00
Total .....	\$118,445.00	\$120,010.00

## ELLENDALE NO. 125

## SALARIES

Instructional .....	\$ 20,900.00	\$ 20,900.00
Janitorial .....	2,300.00	2,400.00
All Other Costs .....	2,750.00	2,750.00
Capital Outlay .....	125.00	125.00
Total .....	\$ 26,075.00	\$ 26,175.00

## DELMAR NO. 163

## SALARIES

Administrative .....	\$ 5,700.00	\$ 5,700.00
Clerical .....	3,060.00	3,180.00
Instructional .....	76,960.00	77,600.00
Janitorial .....	9,350.00	9,675.00
Health .....	3,940.00	4,100.00
All Other Costs .....	9,900.00	9,900.00
Capital Outlay .....	450.00	450.00
Total .....	\$109,360.00	\$110,605.00

## BLADES NO. 172

## SALARIES

Instructional .....	\$ 15,860.00	\$ 16,020.00
Janitorial .....	2,700.00	2,700.00
All Other Costs .....	2,200.00	2,200.00
Capital Outlay .....	100.00	100.00
Total .....	\$ 20,860.00	\$ 21,020.00



**APPROPRIATION**  
**EXPENSES OF STATE GOVERNMENT**

**GUMBORO NO. 37**

<b>SALARIES</b>		
Instructional .....	\$ 16,900.00	\$ 16,900.00
Janitorial .....	2,400.00	2,500.00
All Other Costs .....	2,200.00	2,200.00
Capital Outlay .....	100.00	100.00
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Total .....	\$ 21,600.00	\$ 21,700.00

**BRIDGEVILLE NO. 90**

<b>SALARIES</b>		
Administrative .....	\$ 6,100.00	\$ 6,100.00
Clerical .....	3,300.00	3,300.00
Instructional .....	112,700.00	113,660.00
Janitorial .....	10,650.00	11,025.00
Health .....	3,460.00	3,620.00
All Other Costs .....	14,300.00	14,300.00
Capital Outlay .....	650.00	650.00
<hr/>		
Total .....	\$151,160.00	\$152,655.00

**GREENWOOD NO. 91**

<b>SALARIES</b>		
Administrative .....	\$ 5,700.00	\$ 5,700.00
Clerical .....	3,300.00	3,300.00
Instructional .....	73,600.00	74,560.00
Janitorial .....	8,100.00	8,300.00
Health .....	3,460.00	3,620.00
All Other Costs .....	9,900.00	9,900.00
Capital Outlay .....	450.00	450.00
<hr/>		
Total .....	\$104,510.00	\$105,830.00

**JOHN M. CLAYTON NO. 97**

<b>SALARIES</b>		
Administrative .....	\$ 5,700.00	\$ 5,700.00
Clerical .....	2,940.00	3,060.00
Instructional .....	85,600.00	86,560.00
Janitorial .....	9,350.00	9,675.00

## APPROPRIATION

## EXPENSES OF STATE GOVERNMENT

Health .....	2,780.00	2,940.00
All Other Costs .....	11,550.00	11,550.00
Capital Outlay .....	525.00	525.00
Total .....	<u>\$118,445.00</u>	<u>\$120,010.00</u>

## ELLENDALE NO. 125

## SALARIES

Instructional .....	\$ 20,900.00	\$ 20,900.00
Janitorial .....	2,300.00	2,400.00
All Other Costs .....	2,750.00	2,750.00
Capital Outlay .....	125.00	125.00
Total .....	<u>\$ 26,075.00</u>	<u>\$ 26,175.00</u>

## DELMAR NO. 163

## SALARIES

Administrative .....	\$ 5,700.00	\$ 5,700.00
Clerical .....	3,060.00	3,180.00
Instructional .....	76,960.00	77,600.00
Janitorial .....	9,350.00	9,675.00
Health .....	3,940.00	4,100.00
All Other Costs .....	9,900.00	9,900.00
Capital Outlay .....	450.00	450.00
Total .....	<u>\$109,360.00</u>	<u>\$110,605.00</u>

## BLADES NO. 172

## SALARIES

Instructional .....	\$ 15,860.00	\$ 16,020.00
Janitorial .....	2,700.00	2,700.00
All Other Costs .....	2,200.00	2,200.00
Capital Outlay .....	100.00	100.00
Total .....	<u>\$ 20,860.00</u>	<u>\$ 21,020.00</u>

**APPROPRIATION**  
**EXPENSES OF STATE GOVERNMENT**

**WILLIAM C. JASON NO. 192-C**

**SALARIES**

Administrative .....	\$ 5,700.00	\$ 5,700.00
Clerical .....	3,060.00	3,180.00
Instructional .....	62,800.00	64,880.00
Janitorial .....	6,225.00	8,850.00
Health .....	2,980.00	3,140.00
All Other Costs .....	8,800.00	8,800.00
Capital Outlay .....	400.00	400.00
<b>Total .....</b>	<b>\$ 89,965.00</b>	<b>\$ 94,950.00</b>

**MILLSBORO NO. 204-C**

**SALARIES**

Instructional .....	\$ 23,860.00	\$ 24,340.00
Janitorial .....	2,700.00	2,700.00
All Other Costs .....	3,300.00	3,300.00
Capital Outlay .....	150.00	150.00
<b>Total .....</b>	<b>\$ 30,010.00</b>	<b>\$ 30,490.00</b>

**FRANKFORD NO. 206-C**

**SALARIES**

Instructional .....	\$ 32,340.00	\$ 32,980.00
Janitorial .....	2,700.00	2,700.00
All Other Costs .....	4,400.00	4,400.00
Capital Outlay .....	200.00	200.00
<b>Total .....</b>	<b>\$ 39,640.00</b>	<b>\$ 40,280.00</b>

**SELBYVILLE NO. 210-C**

**SALARIES**

Instructional .....	\$ 20,060.00	\$ 20,700.00
Janitorial .....	2,300.00	2,300.00
All Other Costs .....	2,750.00	2,750.00
Capital Outlay .....	125.00	125.00
<b>Total .....</b>	<b>\$ 25,235.00</b>	<b>\$ 25,875.00</b>

**APPROPRIATION**  
**EXPENSES OF STATE GOVERNMENT**

**BRIDGEVILLE NO. 220-C**

**SALARIES**

Instructional .....	\$ 26,480.00	\$ 26,800.00
Janitorial .....	2,400.00	2,500.00
All Other Costs .....	3,300.00	3,300.00
Capital Outlay .....	150.00	150.00
<b>Total .....</b>	<b>\$ 32,330.00</b>	<b>\$ 32,750.00</b>

**STATE BOARD OF EDUCATION FOR 1, 2 AND 3 TEACHER  
SCHOOLS OF THE STATE BOARD UNITS**

**SALARIES**

Instructional .....	\$326,140.00	\$329,440.00
Janitorial .....	20,300.00	20,300.00
All Other Costs .....	45,650.00	45,650.00
Capital Outlay .....	2,075.00	2,075.00
<b>Total .....</b>	<b>\$394,165.00</b>	<b>\$397,465.00</b>

**TOTAL—Local**

School Districts .....	\$4,212,223.00	\$4,289,204.00
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**WILMINGTON BOARD OF EDUCATION**

**SALARIES**

Administration and Supervisors	\$ 168,813.00	\$ 169,053.00
Clerical .....	148,844.00	151,914.00
Instructional .....	2,335,120.00	2,350,160.00
Janitorial .....	252,775.00	261,450.00
Health .....	45,520.00	46,640.00
All Other Costs .....	296,450.00	296,450.00
Capital Outlay .....	13,475.00	13,475.00

<b>Total .....</b>	<b>\$3,260,997.00</b>	<b>\$3,289,142.00</b>
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<b>TOTAL EDUCATION ....</b>	<b>\$16,054,582.00</b>	<b>\$16,316,676.00</b>
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**TOTAL AGENCIES, ETC.,**

<b>EDUCATION .....</b>	<b>\$34,110,520.98</b>	<b>\$34,908,696.73</b>
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## APPROPRIATION

## EXPENSES OF STATE GOVERNMENT

Section 2. If the estimated revenue of the State proves to be insufficient for the payment of the several appropriations provided for herein, resulting in deficiencies of revenue for either of the fiscal years aforesaid, the State Treasurer is authorized to issue notes or certificates of indebtedness of the State of Delaware to such an amount as he shall, by and with the consent of the Governor and the Secretary of State, deem necessary to meet and to pay any part or all of said appropriations.

(1) The notes or certificates shall be numbered consecutively in such denominations and in such form as the Commission provided for under the provisions of sub-section (5) of this Section shall determine.

(2) They shall be payable at any period not exceeding one (1) year from the date of the issuance thereof.

(3) They shall be redeemable at the Farmers' Bank in Dover on the date of their maturity.

(4) They shall be signed by the Governor, the Secretary of State and the State Treasurer and shall have the State Seal affixed.

(5) The Governor, Secretary of State, and State Treasurer shall constitute a Commission to negotiate and arrange for the sale or disposition of the notes or certificates of indebtedness.

(6) The faith and credit of the State of Delaware is pledged for the payment of the principal and interest of the notes or certificates of indebtedness which shall be exempt from taxation for any purpose by this State.

(7) All expense incident to the advertising, preparing, issuing and delivering of the notes or certificates and interest thereon shall be paid by the State Treasurer upon the production by the State Treasurer of the necessary vouchers as by law required. There is appropriated such sums as may be necessary to pay costs and interest of such notes or certificates.

## APPROPRIATION

## EXPENSES OF STATE GOVERNMENT

Section 3. All monies received by the State Treasurer from the sale of the notes or certificates of indebtedness shall be specially pledged and appropriated to and for the payment of the several appropriations in whole or in part.

Section 4. In the case of any school consolidation, as defined in § 1108 and § 1109, Chapter 11, Title 14, Delaware Code of 1953, it shall be lawful for the Budget Commission to transfer the unexpended balance, or any part thereof of any appropriation under this Act for the closed district, to the appropriation of the district with which any such closed district is consolidated.

Section 5. Any amount of money derived from the income from the State School Funds shall, for the purposes of this Act, be considered as received by the State Treasurer and thereupon act to reduce to that extent the total amount to be paid to the General Fund of this State for the purposes of meeting the expenses incurred in accordance with allowances for appropriations provided in Section 1 of this Act.

Section 6. The transfer of any funds herein appropriated by this Act to any Salary Account, or to any Salaries and Wages Account is prohibited. Transfers to other accounts may be made, but only with the approval of the Budget Commission.

Section 7. For the purpose of matching any appropriation made for such educational acts as have been or may be passed by Congress, the State Board of Vocational Education is hereby directed and empowered to prescribe to the Board of Public Education in Wilmington, to each of the Boards of Education of Special School Districts, to each of the several Boards of School Trustees, and to the Boards of Trustees of any University or College supported by state funds, the amounts necessary to be allocated by said respective Boards to comply with the purposes and intent of said educational acts which require the matching of funds.

## APPROPRIATION

### EXPENSES OF STATE GOVERNMENT

The amount of funds received from the United States Government by the State Board of Vocational Education shall not be paid to the several boards and districts hereinbefore mentioned as reimbursements to such boards and/or districts for expenditures incurred in accordance with the provisions of the Delaware State Plan for vocational education, but rather shall be treated as a return of moneys advanced by the State for vocational education and paid to the State Treasurer and by him deposited to the credit of the General Fund of the State.

Section 8. The sums appropriated to the schools as "unit costs" shall be used for all school costs except salaries, debt service, "capital outlay" and transportation of pupils to and from the regular sessions of school as provided for in the appropriation to the State Board of Education for this purpose.

Approved June 30, 1953.

## CHAPTER 218

## APPROPRIATION

## DELAWARE COMMISSION OF SHELL FISHERIES

**AN ACT MAKING AN APPROPRIATION TO -THE DELAWARE COMMISSION OF SHELL FISHERIES FOR THE STATE'S SHARE OF THE INITIAL COSTS OF THE IMPROVEMENT OF WHITE'S CREEK BETWEEN INDIAN RIVER BAY AND A POINT BEYOND ASSAWOMAN CANAL TO LORD BALTIMORE SCHOOL IN SUSSEX COUNTY, AND AUTHORIZING AND EMPOWERING THE SAID COMMISSION TO ACT AS THE AGENCY OF THE STATE OF DELAWARE TO DO ALL THINGS NECESSARY TO COMPLY WITH THE REQUIREMENTS OF THE UNITED STATES GOVERNMENT RELATIVE TO THE STATE'S CONTRIBUTION TO SAID GOVERNMENT.**

WHEREAS, the channel leading from Indian River Bay to Assawoman Canal known as White's Creek, and beyond Assawoman Canal up White's Creek, a distance of about three-quarters of a mile to Lord Baltimore School, near Ocean View, Sussex County, Delaware, has by reason of natural elements shoaled from said canal for all its distance up to the Assawoman Canal and beyond to Lord Baltimore School so that except there be extreme tides it has become impossible for boats drawing more than five feet of water to land their passengers and freight at any of the docks or wharves along said White's Creek; and

WHEREAS, it has become necessary for said channel to be dredged to such depth and width so that all shipping, drawing at least six feet of water, may have safe and sure passage from the said channel to the said docks and wharves in or near the said town of Ocean View; and

WHEREAS, the United States Government, through it proper agencies is prepared to expend the sum of One Hundred and Twenty-Five Thousand Dollars (\$125,000.00) for said project, provided the State of Delaware will authorize and empower the proper State authorities to make necessary contracts with the United States Government and others; to secure all lands, easements, and right-of-ways and spoil disposal areas for the initial



work and for subsequent maintenance; to hold and save the United States free from claims for damages resulting from the improvements; and to give assurance satisfactory to the Secretary of War that suitable terminal facilities will be provided and maintained, open to all on equal terms,

NOW, THEREFORE, in order to avail the State of Delaware of the offer on the part of the government of the United States,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. That the Delaware Commission of Shell Fisheries is authorized and empowered as the agent of the State of Delaware to enter into all necessary contracts with the proper agency of the government of the United States in order that the State of Delaware may avail itself of the offer of the Federal Government to dredge the channel in Sussex County, known as White's Creek, leading from Indian River Bay to a point about three-quarters of a mile beyond Assawoman Canal to Lord Baltimore School, and to secure all lands, easements and right-of-ways and spoil disposal areas for the initial work and for subsequent maintenance, to hold and save harmless the United States free from claims for damages resulting from the improvements, and to give the Secretary of War of the United States such assurances, and to do all other things necessary to be done in order that the State of Delaware may avail itself of said offer to improve said channel.

Section 2. Upon compliance with the provisions of this Act, the said channel shall be dredged and improved to such depth and width so that all shipping, drawing at least six feet of water, may have safe and sure passage through and from the said channel to the docks and wharves in or near the town of Ocean View.

Section 3. That the sum of Thirty Thousand Dollars (\$30,000.00) is appropriated to the Delaware Commission of Shell Fisheries for use in carrying out the purposes of this Act, Twenty-Five Thousand Dollars (\$25,000.00) of which sum so appropriated shall be paid the proper agency of the United

States Government as the contribution of the State of Delaware to the initial cost of the improvement mentioned therein, and Five Thousand Dollars (\$5,000.00) of which sum so appropriated shall be used for other purposes necessary to be done or performed on the part of the State of Delaware.

The amount so appropriated shall be paid out of the State Treasury of the State of Delaware upon warrants duly signed and approved by the proper officers of the Delaware Commission of Shell Fisheries.

The funds hereby appropriated shall revert to the General Fund of the State Treasury if the United States Government fails, neglects or refuses to carry out its offer of expending the sum of One Hundred and Twenty-Five Thousand Dollars (\$125,000.00) to improve said channel by June 30, 1955. In the event the United States Government does carry out its said offer to improve said channel and any part of said sum hereby appropriated remains unexpended after the completion of the purposes of this act, the unexpended part thereof shall revert to the General Fund of the State Treasury.

Section 4. This bill shall be known as a Supplementary Appropriation Bill, and the monies hereby appropriated shall be paid out of the General Fund of the State Treasury from sums not otherwise appropriated.

Approved June 30, 1953.

## CHAPTER 219

## APPROPRIATION

## FARMINGTON VOLUNTEER FIRE COMPANY

**AN ACT APPROPRIATING MONEY TO THE FARMINGTON  
VOLUNTEER FIRE COMPANY, AT FARMINGTON.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is hereby appropriated to the Farmington Volunteer Fire Company, at Farmington, a fire company duly organized and equipped for the fighting of fires, the sum of Five Hundred Dollars (\$500.00) annually for each of the fiscal years beginning July 1, 1953 and July 1, 1954, to be used for the prevention and extinguishment of fires and for the maintenance of apparatus and equipment.

The said sum of Five Hundred Dollars (\$500.00) shall be paid by the State Treasurer to Farmington Volunteer Fire Company within three (3) months after the beginning of each of the said fiscal years.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Funds of the State Treasury, not otherwise appropriated.

Approved June 30, 1953.

## CHAPTER 220

## CORRECTING ERRORS IN CODE

**AN ACT TO AMEND THE DELAWARE CODE OF 1953 BY  
CORRECTING ERRORS THEREIN.**

WHEREAS, in the preparation of the permanent edition of the Delaware Code of 1953, the Revised Code Commission has discovered certain errors in the Delaware Code of 1953 as enacted, NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House concurring therein):*

Section 1. § 101, Title 1, Delaware Code of 1953 relating to "Designation and Citation of Code" is amended by striking out the word and figures "of 1953" as the same appear in the third line thereof.

Section 2. § 4171, Title 7, Delaware Code of 1953 relating to "Duties of Board of Assessment, assessment book" for tax ditches is amended to read as follows:

**§ 4171. Duties of Board of Assessment; assessment book**

For tax ditches formed under this chapter, the Board of Assessment of the County shall transcribe the information shown on the assessment list delivered to it pursuant to section 4162 (4) of this title into a special assessment book and it shall keep the same as part of the permanent records of its office. It shall also change the name of the owner shown therein from time to time as such changes are warranted by transfers of the lands assessed, to new owners.

Section 3. § 102 (c), Title 8, Delaware Code of 1953 relating to "Certificate of incorporation; contents; definition" is amended by adding the figures "244 (d)" to line 3 thereof between the figures "243 (d)" and the figures "245" and adding a comma after such insertion.

Section 4. § 244 (b), Title 8, Delaware Code of 1953 relating to "Reduction of capital" of corporations is amended by substituting the word "of" for the word "by" in the sixth line of said subsection so that the phrase appearing on such line shall read "shares of stock of the same or of a different class of stock".

Section 5. § 1606, Title 9, Delaware Code of 1953 relating to "Duties and powers of Commission" in respect to the County Building, New Castle County is amended by striking out the word "for" as the same appears in line nine of such section.

Section 6. § 951 (15), Title 10, Delaware Code of 1953 relating to "Exclusive jurisdiction" of the Family Court is amended by substituting the figures "31" for the figures "19" as the same appear in the last line thereof.

Section 7. § 6902 (2), Title 10, Delaware Code of 1953 relating to "Persons entitled to writs; exceptions" is amended to read as follows:

(2) Persons convicted of, or charged with, treason, felony, or any offense in another state, who ought, by the Constitution of the United States, to be delivered to the executive of such state, subject to the provisions of section 2510 of Title 11 of this Code; and

Section 8. § 9101, Title 10, Delaware Code of 1953 relating to justices of the peace "Number in each county" is amended so that the first two lines thereof shall read as follows: "In the counties of this State, there may be the following numbers of justices of the peace:"

Section 9. §§ 2304, 2307 and 2308, Title 11, Delaware Code of 1953 relating to "Persons authorized to issue search warrants" are amended as follows:

§ 2304 is amended by striking out the words "or the Clerk of any of the foregoing courts,".

§§ 2307 and 2308 are amended by striking out the word "Clerk," wherever the same appears therein.

Section 10. § 1547 (d), Title 12, Delaware Code of 1953 relating to "Discharge of executor or administrator upon his petition; procedure; appeal" is amended by substituting the words "Orphans' Court" for the words "Superior Court" as the same appear in the last line thereof.

Section 11. § 3905, Title 12, Delaware Code of 1953 relating to "Appointment of guardian upon conviction of person having custody or control of minor; restoration of minor to parent", is amended by substituting the words "Family Court of New Castle County or Juvenile Court of Kent and Sussex Counties" for the words "Orphans' Court" in the fourth line thereof.

Section 12. § 106 (c), Title 13, Delaware Code of 1953 relating to "Solemnization of marriages; production of license; penalty; registration of persons authorized to solemnize marriages" is amended by striking the figure "3129" as the same appear in the last line thereof, and substituting in lieu thereof the figures "3121".

Section 13. § 1552, Title 13, Delaware Code of 1953 relating to "Jurisdiction; service of process" in annulment cases, is amended by adding thereto the following paragraph:

When the defendant cannot be served personally within this State, and when at the time of the commencement of the action the plaintiff is a bone fide resident of this State, jurisdiction may be acquired by service by publication as provided in section 1526 of this title.

Section 14. § 3307, Title 14, Delaware Code of 1953 relating to "Acceptance of federal Vocational Rehabilitation Act; cooperation with federal agencies" is amended by striking out the words "Office of United States Vocational Rehabilitation, Federal Security Agency," as the same appear in the last sentence thereof and substituting in lieu thereof "Department of Health, Education, and Welfare".

Section 15. § 3309, Title 14, Delaware Code of 1953 relating to "Cooperation with Federal Security Agency" is amended by striking out the words "Federal Security Agency" as the

same appear in the title and in the first sentence thereof and substituting in lieu thereof the words "Department of Health, Education, and Welfare".

Section 16. § 7106, Title 14, Delaware Code of 1953 relating to "Powers and duties" of the Library Commission is amended by striking out the following phrase "and shall have the supervision and control of all circulating libraries now or hereafter to be established under the provisions of section 7161 of this title" as the same appears beginning on line three thereof.

Section 17. § 2501, Title 18, Delaware Code of 1953 relating to "Transfer of deposit to receiver" of insurance companies is amended by substituting the figures "279 and 291" for the figures "2075 and 4407" as the same appear in line six thereof.

Section 18. § 532, Title 19, Delaware Code of 1953 relating to "Jurisdiction of justices of the peace; appeals" in child labor cases is repealed.

Section 19. § 3302 (10) (E), Title 19, Delaware Code of 1953 relating to "Definitions" is amended by substituting the word "section" for the word "subdivision" as the same appears in the second line thereof.

Section 20. § 2101, Title 21, Delaware Code of 1953 relating to "Operation of unregistered vehicle; exception" is amended by striking out the first line thereof which reads as follows: "No person shall drive or move or for any owner knowingly permit to" and substituting in lieu thereof the following words: "No person shall drive or move, nor shall any person, being the owner of a vehicle, knowingly permit to".

Section 21. § 2115 (1), Title 21, Delaware Code of 1953 relating to "Violations of registration provisions" is amended by striking out the first line thereof which reads as follows: (1) Operate, or for the owner thereof knowingly permit the operation" and substituting in lieu thereof the following: "(1) Operate, or being the owner of any motor vehicle, trailer, or semi-trailer, knowingly permit the operation".

Section 22. § 2171, Title 21, Delaware Code of 1953 relating to "Operation of unregistered taxicab; exception" is amended by striking out the first line thereof which reads as follows: "No person shall drive or move or for an owner knowingly permit" and substituting in lieu thereof the following: "No person shall drive or move, nor shall any person, being the owner of a taxicab, knowingly permit".

Section 23. § 2191 (1), Title 21, Delaware Code of 1953 relating to "Violations of registration provisions" is amended by striking out the first line thereof which reads as follows: "(1) Operate, or, being the owner thereof, knowingly permit the" and substituting in lieu thereof the following: "(1) Operate, or, being the owner of a taxicab, knowingly permit the".

Section 24. § 2766 (b), Title 21, Delaware Code of 1953 relating to "Issuance of license" is amended by striking out the period at the end of the last sentence thereof and substituting the following: "under subchapter I of this chapter".

Section 25. § 4338, Title 21, Delaware Code of 1953 relating to "Reflectors on trucks carrying explosives" is amended by substituting the figures "4337" for the figures "4336" as the same appear in line three thereof.

Section 26. § 1176, Title 24, Delaware Code of 1953 relating to "Certain specific offenses" in regard to Dentistry and Oral Hygiene is amended by substituting the words and figures "section 1131 of this title" for the words and figures "sections 1131 and 1159" as the same appear in the first and second lines thereof.

Section 27. § 2586, Title 24, Delaware Code of 1953 relating to "Jurisdiction" of the justices of the peace in connection with violations of the pharmacy laws is amended so that the first paragraph thereof shall read as follows:

Justices of the peace shall have jurisdiction of any offenses under this chapter, except offenses under section 2582 (b) of this title and the offense of selling or delivering to a minor under 16 years of age the substances mentioned in section 2584 of this title contrary to the provisions of such section.



Section 28. § 321, Title 28, Delaware Code of 1953 relating to "License to conduct racing for stake, purse or reward" is amended by substituting the word "unless" for the word "except" as the same appears in line two thereof.

Section 29. § 322 (3), Title 31, Delaware Code of 1953 relating to "Duties of Department" of Welfare, is amended by striking out the word "State" as the same appears in line two thereof.

Section 30. § 365, Title 31, Delaware Code of 1953 relating to "St. Michael's Home for Babies; guardianship" is amended by substituting the words "St. Michael's Day Nursery for Colored Children" for the words "St. Michael's Home for Babies" where such words appear in the heading of said section and in the first line thereof.

Section 31. § 2310, Title 31, Delaware Code of 1953 relating to Aid to the Blind, "Appeal to Commission; hearing" is amended by striking out the words "of the Board" as the same appear in the third line thereof.

Section 32. § 2316, Title 31, Delaware Code of 1953 relating to "Federal financial participation" in Aid to the Blind is amended by striking out the word "To" as the same appears in the third line thereof.

Section 33. § 4139, Title 31, Delaware Code of 1953 relating to "When receipts to be applied to reduction of rentals" by the State Board of Housing is amended by inserting the words "of this title" after the figures "4110" as the same appear in line three thereof.

Section 34. § 757, Title 11, Delaware Code of 1953, relating to "wiretapping" is amended by striking out the dash at the end of the second paragraph of said section and substituting in lieu thereof the following: ": or, whoever aids, employs or conspires with any person unlawfully to do, or permit or cause to be done, any of the acts hereinbefore mentioned—".

Approved June 30, 1953.

## CHAPTER 221

## APPROPRIATION

## CERTAIN HOSPITALS IN THE STATE

**AN ACT TO APPROPRIATE MONEYS TO CERTAIN HOSPITALS IN THE STATE OF DELAWARE.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all Members of each Branch thereof concurring therein):*

Section 1. There is appropriated for the maintenance, equipment and operation of the hospitals hereinafter mentioned, for each of the fiscal years beginning July 1, 1953 and July 1, 1954, the sum of money set after the names of such hospitals, respectively, viz.:

To KENT GENERAL HOSPITAL, at Dover, . .	\$ 52,800.00
To MILFORD MEMORIAL HOSPITAL, INC., at Milford, .....	77,000.00
To BEEBE HOSPITAL OF SUSSEX COUNTY, INC., at Lewes .....	57,200.00
To HOMEOPATHIC HOSPITAL ASSOCIA- TION OF DELAWARE, at Wilmington, .	125,400.00
To ST. FRANCIS HOSPITAL, INCORPORA- TED, at Wilmington, .....	63,250.00
To THE DELAWARE HOSPITAL, INC., at Wilmington, .....	207,350.00
To WILMINGTON GENERAL HOSPITAL AS- SOCIATION, at Wilmington, .....	102,850.00
To NANTICOKE MEMORIAL HOSPITAL, at Seaford, .....	17,600.00

Each of said appropriations shall be paid to said respective hospitals in equal quarterly installments on the first days of July, October, January and April in each of the fiscal years 1953 and 1954.

Section 2. There is likewise appropriated for the maintenance, equipment and operation of HOMEOPATHIC HOSPITAL ASSOCIATION OF DELAWARE, at Wilmington, for each

of the above mentioned fiscal years, the sum of Five Hundred and Fifty Dollars (\$550.00) per bed, not in excess of fifty-five (55) beds, the said appropriation to be paid to said Hospital, upon the completion of such additional capacity, in equal quarterly installments on the first day of July, October, January and April in each of the fiscal years 1953 and 1954; provided, however, that no portion of said appropriation shall be paid to said Hospital unless such additional bed capacity shall have been completed and in operation prior to December 31, 1954, and provided further that the first quarterly installment payable after the completion and operation of such bed capacity shall be in that proportion of the quarterly installment which the portion of the quarter remaining after the beginning of the operation of such capacity shall bear to the total of such quarter.

Section 3. This Act shall be known as a Supplementary Appropriation Act, and the funds hereby appropriated shall be paid from the General Funds of the State Treasury not otherwise appropriated, in accordance with the provisions of this Act.

Approved June 30, 1953.

## CHAPTER 222

## RELATING TO TOWN OF HARRINGTON

**AN ACT TO AMEND CHAPTER 167, VOLUME 40, LAWS OF DELAWARE ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF HARRINGTON' TO 'THE CITY OF HARRINGTON' AND ESTABLISHING A CHARTER THEREFOR" BY CHANGING THE AMOUNT OF THE FLOATING DEBT.**

*Be it enacted by the General Assembly of the State of Delaware (two thirds of all the Members elected to each Branch thereof concurring therein):*

Section 1. Chapter 167, Volume 40, Laws of Delaware, as amended, be and the same is hereby further amended by striking out all of Section 32 thereof and substituting in lieu thereof a new paragraph to be known as Section 32 to read as follows:

Section 32. Whenever during the year the current receipts are insufficient to provide for the needs of the city, the Council is authorized to anticipate revenue by borrowing money not in excess of the sum of Twenty-five Thousand Dollars (\$25,000), which shall be repaid from current revenue received thereafter; provided, however, such borrowing shall at no time exceed in the aggregate Twenty-five Thousand Dollars (\$25,000). Indebtedness created hereby shall be evidenced by bonds or notes of the city, and the faith and credit of the city shall be deemed to be pledged for the due payment thereof, but no agency or instrumentality of the city shall borrow money upon the credit of the city except by resolution of the Council.

Approved June 30, 1953.

of the above mentioned fiscal years, the sum of Five Hundred and Fifty Dollars (\$550.00) per bed, not in excess of fifty-five (55) beds, the said appropriation to be paid to said Hospital, upon the completion of such additional capacity, in equal quarterly installments on the first day of July, October, January and April in each of the fiscal years 1953 and 1954; provided, however, that no portion of said appropriation shall be paid to said Hospital unless such additional bed capacity shall have been completed and in operation prior to December 31, 1954, and provided further that the first quarterly installment payable after the completion and operation of such bed capacity shall be in that proportion of the quarterly installment which the portion of the quarter remaining after the beginning of the operation of such capacity shall bear to the total of such quarter.

Section 3. This Act shall be known as a Supplementary Appropriation Act, and the funds hereby appropriated shall be paid from the General Funds of the State Treasury not otherwise appropriated, in accordance with the provisions of this Act.

Approved June 30, 1953.

## CHAPTER 222

## RELATING TO TOWN OF HARRINGTON

**AN ACT TO AMEND CHAPTER 167, VOLUME 40, LAWS OF DELAWARE ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF HARRINGTON' TO 'THE CITY OF HARRINGTON' AND ESTABLISHING A CHARTER THEREFOR" BY CHANGING THE AMOUNT OF THE FLOATING DEBT.**

*Be it enacted by the General Assembly of the State of Delaware (two thirds of all the Members elected to each Branch thereof concurring therein):*

Section 1. Chapter 167, Volume 40, Laws of Delaware, as amended, be and the same is hereby further amended by striking out all of Section 32 thereof and substituting in lieu thereof a new paragraph to be known as Section 32 to read as follows:

Section 32. Whenever during the year the current receipts are insufficient to provide for the needs of the city, the Council is authorized to anticipate revenue by borrowing money not in excess of the sum of Twenty-five Thousand Dollars (\$25,000), which shall be repaid from current revenue received thereafter; provided, however, such borrowing shall at no time exceed in the aggregate Twenty-five Thousand Dollars (\$25,000). Indebtedness created hereby shall be evidenced by bonds or notes of the city, and the faith and credit of the city shall be deemed to be pledged for the due payment thereof, but no agency or instrumentality of the city shall borrow money upon the credit of the city except by resolution of the Council.

Approved June 30, 1953.

CHAPTER 223  
APPROPRIATION  
ELLENDALE SCHOOL

**AN ACT MAKING AN APPROPRIATION TO ELLENDALE  
SCHOOL NUMBER 125 FOR THE NECESSARY IM-  
PROVEMENTS TO THE SEWAGE DISPOSAL SYSTEM.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. The sum of fifteen hundred dollars (\$1500.00) is hereby appropriated to Ellendale School No. 125 to be used for the purpose of making the necessary improvements to the sewage disposal system.

Section 2. This shall be known as a supplementary appropriation and the funds shall be paid out of the General Fund and any moneys remaining unexpended as of June 30, 1955, shall revert to the General Fund.

Approved June 30, 1953.

## CHAPTER 224

## RELATING TO CITY OF NEWARK

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE NAME OF THE 'TOWN OF NEWARK' TO THE 'CITY OF NEWARK' AND ESTABLISHING A CHARTER THEREFOR" BY CHANGING THE CONDEMNATION PROVISIONS TO CONFORM TO THE STATE UNIFORM CONDEMNATION ACT, BY CHANGING THE PROVISIONS RELATING TO THE INSTALLATION OF SANITARY SEWERS AND BY PROVIDING FOR A MUNICIPAL LIEN DOCKET.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House concurring therein):*

Section 1. That Section 48 of Chapter 152 of Volume 48, Laws of Delaware, is amended by striking out all of the second sentence of the first paragraph thereof and by striking out all of the second paragraph thereof, and by inserting in lieu of said second sentence of the first paragraph thereof the following words:

"If the City of Newark fails to reach an agreement with the owner or owners of such property, it shall have the power to take such property by condemnation proceedings in conformity with the law of the State of Delaware applicable to condemnation proceedings; provided, however, that the right of condemnation shall not extend to property owned by the State of Delaware or any agency thereof."

Section 2. That Section 51 of Chapter 152 of Volume 48, Laws of Delaware, is amended by striking out the last sentence of the second paragraph and by striking out all of the third, fourth and fifth paragraphs thereof.

Section 3. That Section 52 of Chapter 152 of Volume 48, Laws of Delaware, is amended by striking out the words "in the same way and under the same rules and procedure as hereinbefore provided in case of streets, etc." appearing in lines 11, 12 and 13 in the first paragraph thereof.



Section 4. That Section 52 of Chapter 152 of Volume 48, Laws of Delaware, is further amended by striking out the first four sentences of the second paragraph thereof and by inserting in lieu thereof the following:

The Council is hereby authorized and empowered to construct or acquire by condemnation, agreement, purchase, or gift such sewage disposal plants, pumping stations, sewers or sewer systems within the City of Newark or adjacent thereto as may seem to the Council necessary to meet the requirements of the City. The Council is likewise authorized and empowered to make agreements with the Levy Court of New Castle County to permit interconnection of their respective sewer systems. Whenever the Council shall determine that construction, improvement, alteration, or repair of sanitary sewers is required, it shall order the City Engineer to undertake the work and surveys necessary to make a report estimating costs. The Council may perform such construction, improvement, alteration or repair by contract or municipal agency. The Council shall fix by resolution the amount of money which shall be paid by any owner of any property for the construction, improvement, alteration or repair and operation of said sanitary sewers. Except as otherwise provided herein said amount shall be based upon the lineal feet of said property abutting upon that portion of the street in which any sanitary sewer may be laid, or abutting said sanitary sewer if not laid in the bed of the street, each such lineal foot being assessed alike.

Section 5. That Section 52 of Chapter 152 of Volume 48, Laws of Delaware, is further amended by striking out the eighth sentence in paragraph two thereof beginning with the words "No property shall be assessed for the cost of constructing—" and by inserting in lieu thereof the following sentence:

Property not abutting that portion of a street in which any sanitary sewer may be laid, or not abutting said sanitary sewer if not laid in the bed of a street, shall not be assessed for the cost of constructing said sanitary sewer unless the owner of said property shall connect to said sanitary sewer in which case the Council shall determine by resolution the number of lineal feet for which said property shall be assessed, and said property shall not be liable for any further assessment for sanitary sewer purposes.

Section 6. That Chapter 152, Volume 48, Laws of Delaware, is amended by inserting a new section immediately following Section 53 to be known as Section 53 (A) to read as follows:

Section 53 (A). It shall be the duty of the Secretary under the supervision of the City Engineer to prepare a docket to be known as "City of Newark Municipal Lien Docket". Said docket shall be in substantially the same form as the judgment docket for New Castle County, shall contain all liens for unpaid sewer, sidewalk, or other municipal improvements for which special assessments are levied, and shall contain in the back thereof an index according to the name of the owner against whom such lien has been assessed. On and after July 1, 1953, no municipal lien shall be valid unless duly recorded in said docket. All liens duly recorded in said docket shall continue in full force and effect until said liens have been satisfied by payment, and when such liens are satisfied by payment, it shall be the duty of the Secretary to satisfy said record by entering therein the date of the final payment and the words "satisfied in full".

Approved July 1, 1953.

## CHAPTER 225

## RELATING TO CITY OF NEWARK

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE NAME OF THE 'TOWN OF NEWARK' TO THE 'CITY OF NEWARK' AND ESTABLISHING A CHARTER THEREFOR" BY CLARIFYING THE POWERS OF THE PRESIDENT PRO TEMPORE AND BY CLARIFYING THE JURISDICTION OF THE ALDERMAN.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House concurring therein):*

Section 1. That Section 11 of Chapter 152 of Volume 48, Laws of Delaware is amended by striking out the period at the end thereof and by inserting in lieu thereof the following words:

"and said President pro tempore while so acting shall be vested with all the powers and authority of the Mayor under this Charter or any law of the State of Delaware."

Section 2. That Section 21 of Chapter 152 of Volume 48, Laws of Delaware is amended by striking out all of the fourth sentence beginning with the words "He shall have jurisdiction and cognizance—" and by inserting in lieu thereof two new sentences reading as follows:

"He shall have jurisdiction of all violations of ordinances of the City, and of all misdemeanors prescribed by any law of the State of Delaware committed within the boundaries of the City. He shall have power and authority to hold for bail, fine or imprison offenders, compel the attendance of persons accused of violation of City ordinances by service of process either within or without the limits of the City, compel the attendance of witnesses, and hold or punish for contempt."

Approved July 1, 1953.

## CHAPTER 226

## RELATING TO CITY OF NEWARK

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE NAME OF THE 'TOWN OF NEWARK' TO THE 'CITY OF NEWARK' AND ESTABLISHING A CHARTER THEREFOR" BY CHANGING THE LIMITATION ON THE TAXING POWER AND CHANGING THE BONDED DEBT LIMITATION.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House concurring therein):*

Section 1. That Section 34 of Chapter 152 of Volume 48, Laws of Delaware, is amended by striking out the figures "\$100,000" and by inserting in lieu thereof the following figures and words:

"2% of the assessed valuation of the assessable and taxable real estate within the limits of the City."

Section 2. That Section 36 of Chapter 152 of Volume 48, Laws of Delaware, is amended by striking out the figures "\$800,000" where they appear in the last line thereof and by inserting in lieu thereof the following figures and words:

"10% of the assessed valuation of the assessable and taxable real property within the limits of the City."

Approved July 1, 1953.

## CHAPTER 227

## RELATING TO CITY OF NEWARK

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE NAME OF THE 'TOWN OF NEWARK' TO THE 'CITY OF NEWARK' AND ESTABLISHING A CHARTER THEREFOR" BY CHANGING THE PROVISIONS FOR NOMINATING PETITIONS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House concurring therein):*

Section 1. That Section 39 of Chapter 152 of Volume 48, Laws of Delaware, is amended by striking out the second sentence thereof and by inserting in lieu thereof a new sentence as follows:

"Each nominating petition shall be signed by the candidate and shall in addition bear the signatures of ten qualified voters in the City of Newark in the case of petitions for the Mayor and the signatures of ten qualified voters residing in the district from which the candidate seeks election in the case of petitions for City Council."

Section 2. That Section 39 of Chapter 152 of Volume 48, Laws of Delaware, is further amended by striking out the figure "10" where it appears in the next to the last line thereof and by inserting in lieu thereof the figure "30".

Approved July 1, 1953.

## CHAPTER 228

## RELATING TO CITY OF NEWARK

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE NAME OF THE 'TOWN OF NEWARK' TO THE 'CITY OF NEWARK' AND ESTABLISHING A CHARTER THEREFOR" BY CHANGING THE PROVISION OF TAX EXEMPTION OF MANUFACTURING PLANTS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House concurring therein):*

Section 1. That Section 34 of Chapter 152 of Volume 48, Laws of Delaware is amended by striking out all of the second paragraph and by inserting in lieu thereof a new paragraph reading as follows:

All manufacturing plants employing ten or more employees established and in operation within the City of Newark on July 1, 1953, shall be exempt from City taxation for a period of ten years from the time said plant commenced operation or from July 10, 1951, whichever date shall be earlier in time.

Approved July 1, 1953.

## CHAPTER 229

## RELATING TO THE CITY OF NEWARK

**AN ACT AMENDING CHAPTER 152, VOLUME 48, LAWS OF DELAWARE BEING AN ACT ENTITLED "AN ACT CHANGING THE NAME OF THE 'TOWN OF NEWARK' TO THE 'CITY OF NEWARK' AND ESTABLISHING A CHARTER THEREFOR," BY AUTHORIZING THE CITY TO BORROW MONEY FOR THE CONSTRUCTION OR INSTALLATION OF SEWERS, PAVING, OR MUNICIPAL IMPROVEMENTS, THE COST OF WHICH IS ASSESSABLE DIRECTLY TO THE OWNERS OF PROPERTY TO BE BENEFITED THEREBY.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House concurring therein):*

Section 1. Section 37, Chapter 152, Volume 48, Laws of Delaware, is amended by inserting a new paragraph after the first paragraph thereof as follows:

"Whenever the City shall require money for the construction or installation of sewers, paving, or municipal improvements, the cost of which is assessable directly to the owners of property to be benefited by such construction or installation, the Council shall be authorized and empowered to anticipate the receipt of such assessments by borrowing such amounts as are needed. Provided, however, the amount of such indebtedness shall not at any time exceed the sum of Two Hundred and Fifty Thousand Dollars (\$250,000.00)."

Approved July 1, 1953.

## CHAPTER 230

## IN RELATION TO WILMINGTON EMPLOYEES' RETIREMENT ACT

**AN ACT TO AMEND CHAPTER 237, VOLUME 46, LAWS OF DELAWARE AS AMENDED, ENTITLED "CITY OF WILMINGTON EMPLOYEES' RETIREMENT ACT" BY PROVIDING FOR THE LENGTH OF SERVICE FOR ELIGIBILITY AND RETIREMENT BENEFITS TO BE RECEIVED UNDER SAID CHAPTER.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members of each Branch thereof concurring therein):*

Section 1. That Section 2 of Chapter 237, Volume 46, Laws of Delaware, is amended by striking out the word "thirty" in said section and inserting in lieu thereof the words "twenty-five".

Section 2. That Section 5 of Chapter 237, Volume 46, Laws of Delaware, is amended by striking out the first paragraph thereof and substituting in lieu thereof a new first paragraph to read as follows:

**"Section 5. Pension Benefits:—**Any pension payable under this Act shall be subject to the limitation that the monthly pension payment shall not exceed Two Hundred Dollars (\$200.00) nor be less than Eighty-Five Dollars (\$85.00). The monthly pension payment shall be one-sixtieth of the monthly retiring base pay, multiplied by the number of years (a fractional period of six months or more shall be counted as one year and less than six months shall not be counted) which the employee shall have served in covered employment during the period that ends on the date of retirement and includes no interruptions from continuous covered employment except allowable interruptions aggregating not more than five years."

Section 3. That Section 15 of Chapter 237, Volume 46, Laws of Delaware, is amended by striking out all of the first paragraph thereof and by inserting in lieu thereof a new first paragraph to read as follows:



"Section 15. The monthly retirement and disability benefits for such employees as shall regularly receive part of their compensation from the City of Wilmington and New Castle County or in alternate periods shall receive regular compensation from the City of Wilmington or New Castle County, shall be one-half of the monthly retiring base pay, divided by sixty, multiplied by the number of years in which such employee shall have served in covered employment; in case the total combined monthly retirement or disability benefits calculated under the provisions of this Act and the Act for the retirement of employees of New Castle County be less than Eighty-Five Dollars (\$85.00) or more than Two Hundred Dollars (\$200.00), then in lieu of such payment as herein calculated, the said employee shall receive under this Chapter not less than Forty-Two Dollars and Fifty Cents (\$42.50) and not more than One Hundred Dollars (\$100.00) as a monthly retirement or disability benefit."

Section 4. All Acts or parts of Acts inconsistent with the provisions of this Act are repealed only to the extent of such inconsistencies.

Approved July 1, 1953.

## CHAPTER 231

## RELATING TO DELAWARE COMMISSION FOR THE BLIND

**AN ACT AMENDING CHAPTER 21, TITLE 31, DELAWARE CODE OF 1953, ENTITLED "DELAWARE COMMISSION FOR THE BLIND", PROVIDING FOR REGISTRATION TO SOLICIT PUBLIC DONATIONS FOR THE BENEFIT OF THE BLIND; VIOLATIONS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 21, Title 31, Delaware Code of 1953, is amended by adding to the end thereof a new section to read as follows:

**§ 2115. Soliciting public donations for the blind; registration; violations**

(a) All organizations or individuals, who, in person, or through agents or representatives, or by mail, solicit and receive donations for the benefit of the blind and all organizations or individuals selling merchandise, or raising money through the giving of concerts or other forms of entertainment, upon the representation or under the pretense that the whole or any part of the profit derived from the sale or barter of such merchandise, or the giving of such concerts or other forms of entertainment, shall be used for the benefit of the blind, shall be required to apply for a permit from The Delaware Commission for the Blind and to file with them information setting forth the purposes for which the moneys being raised shall be used.

(b) If the application is approved, the Commission shall authorize such organizations or individuals, without cost, to solicit and receive donations and shall permit such organizations or individuals to sell merchandise, or to raise money through the giving of concerts or other forms of entertainment.

(c) If the application is disapproved, the Commission shall so notify such organizations or individuals giving the reasons therefor.

(d) Any organization or individual who shall violate any provisions of this section or who shall solicit and receive donations, or sell merchandise, or raise money through the giving of concerts or other forms of entertainment without first applying for and obtaining authorization as herein provided, or who shall solicit funds under any such authorization and thereafter divert the same to purposes other than that for which they were contributed, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than One Hundred Dollars (\$100.00), or imprisonment not to exceed thirty (30) days, or both.

The provisions of this section shall not apply to any Delaware non-profit corporations organized to serve the blind of Delaware.

Approved July 1, 1953.

## CHAPTER 232

## CREATING DELAWARE ARCHAEOLOGICAL BOARD

**AN ACT TO AMEND PART VI, TITLE 7 OF THE DELAWARE  
CODE OF 1953 CREATING THE DELAWARE ARCHAEO-  
LOGICAL BOARD; COMPOSITION; APPOINTMENT;  
CHAIRMAN; PURPOSES; RULES AND REGULATIONS;  
MEETINGS; COMPENSATION AND EXPENSES.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Part VI, Title 7 of the Delaware Code of 1953  
is amended by adding a new chapter, as follows:

**CHAPTER 54. DELAWARE ARCHAEOLOGICAL BOARD****§ 5401. Delaware archaeological board created; composi-  
tion**

The Delaware Archaeological Board is created, consisting  
of seven members, one each from the following Delaware organ-  
izations: the Public Archives Commission, the Delaware State  
Museum, the Archaeological Society of Delaware, the Sussex  
Archaeological Association, the University of Delaware, the  
State Board of Education and the State Highway Department,  
to be appointed by the Governor from a list of three names  
furnished by each of said organizations to the Governor prior  
to the appointment.

**§ 5402. Appointment; chairman**

The members of the Board shall initially be appointed for  
the following terms: two for two years, two for three years and  
three for four years; thereafter, members shall be appointed for  
the term of four years each. Vacancies occurring for any reason  
other than expiration of term, shall be filled by the Governor as  
provided in § 5401 for the unexpired term. Said Board shall  
select annually one of its number who shall serve as chairman of  
said Board for a term of one year.

**§ 5403. Purposes**

(a). To sponsor, engage in and direct fundamental research into the archaeology of this State and to encourage and co-ordinate archaeological research and investigation undertaken by any archaeological society or association of the State of Delaware.

(b). To co-operate in the excavation of sites of historical significance which have or may come into the custody or control of any other agency of this State.

(c). To protect and encourage the preservation of prehistoric sites located on privately owned lands in this State.

(d). To retrieve and protect objects of archaeological significance discovered during the course of any public construction in this State.

(e). To co-operate with and assist the University of Delaware and other public institutions of this State in the preservation and protection of objects of archaeological nature which have or may come into their custody.

(f). To furnish to the Delaware State Museum materials and objects of a nature suitable for the demonstration of the archaeological history of this State.

(g). To furnish to public and private schools of this State exhibits, and to assist in the instruction of pupils as to the manner of early life of the natives of Delaware.

(h). To co-operate with similar agencies of other states for the general purposes of preserving archaeological sites and objects of significance of this State, and to prevent the exploitation of such sites and objects within this State by institutions or agencies of other states.

(i). To disseminate archaeological facts through the publication of reports of archaeological research and investigation conducted under the supervision of the Board.

(j). To enforce the laws regulating archaeological sites and materials situated on state owned or state controlled lands.

**§ 5404. Rules and regulations**

The Delaware Archaeological Board shall have power to formulate such rules and regulations as it deems necessary for the effective execution of its purposes.

**§ 5405. Meetings; compensation and expenses**

The Board shall hold quarterly meetings and such other meetings as shall be necessary. Members shall receive no compensation for their services but shall be entitled to actual travel expenses incurred in attending meetings, said expenses not to exceed One Hundred Dollars (\$100.00) per member in any fiscal year.

Section 2. There is appropriated to the Delaware Archaeological Board the sum of Five Hundred Dollars (\$500.00) for the fiscal year beginning July 1, A. D., 1953, and the sum of Five Hundred Dollars (\$500.00) for the fiscal year beginning July 1, A. D., 1954, said sums to be expended for the purpose of paying office, travel and operating expenses and for any necessary equipment used by the Board.

Section 3. This Act shall be known as a supplementary Appropriation Bill and the monies appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved July 1, 1953.

# CHAPTER 233

## PROVIDING FOR ADDITIONAL CONSTABLE IN SUSSEX COUNTY AN ACT AMENDING CHAPTER 27, TITLE 10, DELAWARE CODE OF 1953, PROVIDING FOR AN ADDITIONAL CONSTABLE IN SUSSEX COUNTY TO BE APPOINTED BY THE GOVERNOR.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2705, Title 10, Delaware Code of 1953 is amended by striking the words "for the term of four years." appearing in the second line of said section and substituting in lieu thereof the following:

"and an additional constable in Sussex County, to be constable for the whole county, both of whom shall receive appointments for terms of four (4) years."

Approved July 1, 1953.

## CHAPTER 234

## PROVIDING FOR REPORTS IN EPILEPSY CASES

**AN ACT TO AMEND TITLE 11, DELAWARE CODE OF 1953  
ENTITLED "CRIMES AND CRIMINAL PROCEDURE"  
BY PROVIDING FOR REPORTS IN CASES OF EPILEPSY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 1, Title 11, Delaware Code of 1953 is amended by adding a new section thereto as follows:

**§ 108. Reports of epilepsy; limitation on use**

Every physician attending or treating epilepsy shall report within one week to the Department of Motor Vehicles the names, ages and addresses of all persons treated as cases of epilepsy.

The reports shall be for the information of the Department of Motor Vehicles in enforcing the provisions of the Motor Vehicle Law. Said reports shall be kept confidential and used solely for the purpose of determining the eligibility of any person to operate a motor vehicle on the highways of this State.

"A physician failing to make such a report shall be fined not less than Five Dollars (\$5.00), nor more than Fifty Dollars (\$50.00) and costs for each such report he fails to make."

Approved July 1, 1953.



CHAPTER 235

PROVIDING FOR REPORTS OF WOUNDS CAUSED BY FIREARMS

**AN ACT TO AMEND TITLE 11, DELAWARE CODE OF 1953,  
ENTITLED "CRIMES AND CRIMINAL PROCEDURE"  
BY PROVIDING FOR REPORTS OF TREATMENT OF  
WOUNDS CAUSED BY FIREARMS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 1, Title 11, Delaware Code of 1953 is amended by adding a new section thereto as follows:

**§ 107. Reports of treatment of wounds caused by firearms**

Every physician attending or treating a case of bullet wounds, gunshot wounds, powder burn, or other injury arising from or caused by the discharge of a gun, pistol, or other firearm, or whenever such case is treated in a hospital, sanitarium or other institution, the manager, superintendent or other person in charge shall report such case at once to the police authorities of the city or town where such physician, hospital, sanitarium or institution is located or to the State Police. The provisions of this section shall not apply to such wounds, burns or injuries received by a member of the armed forces of the United States or the State of Delaware while engaged in the actual performance of duty.

Whoever fails to make such report shall be fined not less than \$25.

Approved July 1, 1953.

## CHAPTER 236

### RELATING TO WILLFUL TIMBER TRESPASS

#### **AN ACT TO AMEND TITLE 25, DELAWARE CODE OF 1953 BY PROVIDING FOR DAMAGES IN CIVIL SUITS FOR WILLFUL TIMBER TRESPASS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 25, Delaware Code of 1953 is amended by adding at the end of Part I thereof a new chapter to read as follows:

### **CHAPTER 14. TIMBER TRESPASS**

#### **§ 1401. Court's authority to determine whether trespass unintentional or willful; exemplary and actual damages**

In civil actions brought for an act of timber trespass the court shall have authority to determine whether such trespass was unintentional or willful and award damages accordingly. If the plaintiff shall satisfy the court that the metes and bounds of his property at the place of the trespass were appropriately established and marked by reasonably permanent and visible markers or establish that the trespasser was on notice that the rights of the plaintiff were in jeopardy, the court shall find that the trespass was willful and shall award exemplary damages equal to triple the fair value of the trees removed plus the cost of litigation. If, however, the court shall find that the trespass was unintentional, the court may award the plaintiff damages equal to the conversion value of the trees taken or damaged plus cost of litigation.

#### **§ 1402. Method for ascertaining value of trees removed**

In the absence of a more accurate means of ascertaining the value of trees removed in a timber trespass, the court may accept that figure which shall be arrived at by accepting the diameters of the stumps of the severed trees measured inside the bark as the assumed diameter of the trees measured outside the bark at  $4\frac{1}{4}$  feet above the ground and apply the values

given for gross tree volume as published in U. S. D. A., Farmers Bulletin No. 1989, and the numerous privately published forestry publications which give board foot volume contents of timber trees based on the International Long Rule formula.

**§ 1403. Failure of defendant to answer**

If the defendant in an action, as provided in this chapter, shall not appear or shall not answer the complaint at the return of the writ or notice served therefor, the court shall determine the trespass willful and award damages accordingly.

**§ 1404. Abatement of action**

An action begun under this chapter shall not abate by the death of either party thereto but shall be continued by the administrator or executor.

**§ 1405. Notice to adjacent owners of intention to commence cutting timber**

In the event the owner or his agent shall not send notice by registered mail to adjacent owners of his intention to commence cutting timber, such owner and/or agent shall be deemed guilty of willful timber trespass and shall be subject to damages accordingly.

Approved July 1, 1953.

## CHAPTER 237

## RELATING TO ATTACHMENT OF WAGES

**AN ACT TO AMEND CHAPTER 49, TITLE 10, DELAWARE  
CODE OF 1953 RELATING TO EXECUTIONS; EXEMPTION  
AND ATTACHMENT OF WAGES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 4913 (b) is amended by striking out the period at the end thereof and substituting in lieu thereof the following:

“, provided that any person who shall be a co-maker or an indorser of a note or bond of a debtor for the purpose of paying the type of debts enumerated in this subsection who shall be obligated to pay such a note or bond shall be entitled to the same attachment process as the original creditor.”

Approved July 1, 1953.

## CHAPTER 238

## TERMS OF SUSSEX COUNTY LEVY COURT COMMISSIONERS

**AN ACT AMENDING CHAPTER 3, TITLE 9, DELAWARE CODE OF 1953, RELATING TO THE TERMS OF LEVY COURT COMMISSIONERS OF SUSSEX COUNTY ELECTED IN 1955.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 305 (c), Title 9, Delaware Code of 1953, is amended by striking out the period at the end of said subsection and inserting in lieu thereof the following: “, except, that at the biennial general election held in 1954 one of said Levy Court Commissioners shall be elected for a term of two (2) years and one for a term of six (6) years.”

Approved July 1, 1953.

## CHAPTER 239

## APPOINTMENT OF CONSTABLES IN CHRISTIANA HUNDRED

**AN ACT TO AMEND CHAPTER 27, TITLE 10, DELAWARE  
CODE OF 1953, RELATING TO THE APPOINTMENT OF  
CONSTABLES IN CHRISTIANA HUNDRED.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Paragraph (1) of § 2701, Title 10, Delaware  
Code of 1953, is amended to read as follows:

(1) Three or more in Christiana Hundred, two of whom  
shall reside as follows: one in or near Newport and one in  
Newport.

Approved July 1, 1953.

## CHAPTER 240

## SKID CHAINS AND SNOW TIRES ON SCHOOL BUSES

**AN ACT AMENDING CHAPTER 43, TITLE 21, DELAWARE CODE OF 1953, RELATING TO SKID CHAINS AND SNOW TIRES ON SCHOOL BUSES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 4363, Title 21, Delaware Code of 1953, is amended to read as follows:

**§ 4363. Skid chains and snow tires**

When the highways are covered with snow or ice, the operator of any school bus shall not transport school children upon any of the highways of this State without tire chains on the outside rear wheels of the bus, or unless all rear wheels are equipped with tires having treads designed for use in snow, which tires must be in such condition as to serve the purpose for which they are designed. Any person violating the provisions of this section shall be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), or imprisoned not more than ten (10) days, or both.

Approved July 1, 1953.

## CHAPTER 241

## RELATING TO DRAWING OF GRAND JURIES

**AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE  
OF 1953, RELATING TO THE METHOD OF DRAWING  
GRAND JURIES AND THE TERMS OF SAME.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 4507, Title 10, Delaware Code of 1953 is amended to read as follows:

**§ 4507. Drawing of grand jury**

(a) The Jury Commissioners for each county, respectively, shall each year during the month of June and prior to June 15, in the presence of such persons as may choose to be present, draw from the boxes marked "Grand Jurors" the names of seven persons for New Castle County and the names of five persons for Kent and Sussex County, respectively, one of whom shall be selected from and shall be a resident of each of the even numbered representative districts in the County in which he or she is selected to serve as Grand Juror. Persons so selected shall serve for one year commencing July 2 at the Courts to be held during such period in the County from which such Grand Jurors are selected.

(b) The said Commissioners for each County, respectively, shall each year during the month of December and prior to December 15, in the presence of such persons as may choose to be present, draw from the boxes marked "Grand Jurors" the names of eight persons for New Castle County and the names of five persons from Kent and Sussex County, respectively, one of whom shall be selected from and shall be a resident of each of the odd numbered representative districts in the County in which he or she is selected to serve as a Grand Juror. Persons so selected shall serve one year commencing January 2 at the Courts to be held during such period in the County from which such Grand Jurors are selected.



(c) The fifteen from New Castle County and the ten from Kent and Sussex County, respectively, selected in the foregoing manner shall constitute the Grand Jury in such County.

Section 2. This Act shall apply to the selection of Grand Jurors for service during the year 1954 and thereafter, except that there shall also be selected during the month of December and prior to December 15, 1953, the requisite number of Grand Jurors from the even-numbered representative districts in each County who will serve to and including July 1, 1954, and their successors shall be selected pursuant to the provisions of the first paragraph of this section.

Approved July 1, 1953.

## CHAPTER 242

## RELATING TO REAL ESTATE TRANSFERS

**AN ACT AMENDING CHAPTER 96, TITLE 9, DELAWARE CODE OF 1953, RELATING TO REPORTS BY RECORDERS OF REAL ESTATE TRANSFERS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 9614, Title 9, Delaware Code of 1953, is amended to read as follows:

**§ 9614. Report of real estate transfers to Boards of Assessment and taxing authorities of incorporated towns and cities; to Wilmington Department of Surveys**

(a) Each Recorder shall furnish to the Board of Assessment a proper description of each parcel of real estate which is conveyed by deed and, in addition, shall furnish to the taxing authorities of incorporated towns and cities, copies of the descriptions of such parcels of real estate conveyed which are located within the boundaries of such towns and cities. The Recorder shall also furnish to the Board of Assessment and to the taxing authorities of incorporated towns and cities, in proper cases, the date of conveyance, the names of the grantor and grantee and, if known to him, the address of the grantee. The information shall be furnished within a reasonable time after the deed is lodged with the Recorder. Such information need not be supplied to the Board of Assessment if it is noted on the deed by the Board of Assessment that the purchaser has supplied the required information to the Board of Assessment.

(b) When a deed conveys real estate within the City of Wilmington, the Recorder for New Castle County shall furnish certificates thereof to the Department of Surveys of that city.

Approved July 1, 1953.

## CHAPTER 243

## RELATING TO TOWN OF SELBYVILLE

**AN ACT TO AMEND CHAPTER 166, VOLUME 37, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF SELBYVILLE" AS AMENDED BY INCREASING THE REQUIRED LENGTH OF RESIDENCE TO BE ELIGIBLE TO VOTE AT THE TOWN ELECTIONS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each Branch concurring therein):*

Section 1. Section 6 of Chapter 166, Volume 37, Laws of Delaware, entitled "An Act to Reincorporate the Town of Selbyville", as amended, is amended by striking out all of the last sentence of said Section 6, and substituting in lieu thereof the following:

At such election every person, male or female, of said Town above the age of twenty-one (21) years who has been a resident of said Town at least one year prior to said election and who has paid all town taxes assessed against him or her shall be entitled to a vote.

Approved July 1, 1953.

## CHAPTER 244

## RELATING TO TIME OF SENTENCE IN CRIMINAL CASES

**AN ACT AMENDING CHAPTER 39, TITLE 11, DELAWARE CODE OF 1953, TO PROVIDE FOR INCLUDING IN THE SENTENCE THE PERIOD OF IMPRISONMENT WHILE AWAITING SENTENCE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 3902, Title 11, Delaware Code of 1953, is amended by placing "(a)" before the first paragraph and adding the following new subsection:

(b) All sentences for criminal offenses of persons who at the time sentence is imposed are held in custody in default of bail, or otherwise, shall begin to run and be computed from the date of incarceration for the offense for which said sentence shall be imposed, unless the person sentenced shall then be undergoing imprisonment under a sentence imposed for any other offense or offenses, in which case the said sentence shall begin to run and be computed, either from the date of imposition thereof or from the expiration of such other sentence or sentences, as the court shall, in its discretion, direct.

Any period of actual incarceration of a person awaiting trial, who thereafter before trial or sentence succeeds in securing provisional liberty on bail, shall be credited to him in determining the termination date of sentence.

Where a prisoner is hospitalized, the time spent in an institution under involuntary restraint is to be credited to him when calculating his sentence under the provisions of this subsection.

Approved July 1, 1953.

## CHAPTER 245

PROVIDING FOR TRANSFER OF PREMISES OF  
ST. THOMAS METHODIST CHURCH

**AN ACT AUTHORIZING AND DIRECTING THE SECRETARY OF STATE TO CONVEY THE PREMISES OF ST. THOMAS' METHODIST CHURCH OF DAGSBORO HUNDRED, SUSSEX COUNTY, DELAWARE, TO THE SUSSEX TRUST COMPANY OF LAUREL, DELAWARE, AS TRUSTEE UNDER CERTAIN TERMS AND CONDITIONS.**

WHEREAS, on February 15, 1841, the Trustees of St. Thomas' Methodist Church was an unincorporated body; and,

WHEREAS, the land conveyed to the Trustees of St. Thomas' Methodist Church by indenture dated February 15, 1841, has escheated to the State of Delaware under the provisions of the Laws of the State of Delaware now in existence; and

WHEREAS, The church buildings and grounds of St. Thomas' Methodist Church in Dagsboro Hundred, Sussex County, Delaware are of deep historic interest; and

WHEREAS, it is desired that the land and buildings be conveyed in trust for the preservation of same as far as possible and practical and subject to the conditions set forth in the deed set out below to the Trustee; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

SECTION 1. The Secretary of State is hereby authorized and directed to execute a deed conveying the church property formerly conveyed to the Trustees of St. Thomas' Methodist Church in Dagsboro Hundred, Sussex County, Delaware by indenture dated February 15, 1841, and now escheated to the State of Delaware to The Sussex Trust Company, Trustee, said deed to be patterned according to the following:

THIS DEED, Made this.....day of..... in the year of our Lord one thousand nine hundred and fifty-three.

BETWEEN THE SECRETARY OF STATE, State of Delaware, party of the first part,

-AND-

THE SUSSEX TRUST COMPANY, TRUSTEE, County of Sussex, State of Delaware, party of the second part,

WITNESSETH, that the said party of the first part does hereby grant and convey unto the said party of the second part,

ALL that certain lot or piece of land, situate, lying and being in Dagsboro Hundred on the East side of the Main Road leading from Laurel Town to the head of Indian River in the County of Sussex and State of Delaware, butted and bounded as follows, to wit: BEGINNING at a marked Red Oak standing on the East side of the Main County Road, thence running South sixty-nine degrees (69) East sixteen (16) perches to a post; thence North twenty-five (25) degrees East seven (7) perches to a post thence south fifty-eight (58) degrees west twelve (12) perches to a post then with a right line home to the beginning, containing and laid out for three quarters ( $\frac{3}{4}$ ) of an acre of land be the same more or less.

BEING the same land conveyed to Trustees of St. Thomas' Church by Levin Hopkins and Leah Hopkins, his wife, by deed dated 15th, day of February, 1841 and of record in Deed Record Vol. 49, page 423.

Not absolutely but in trust, subject to the conditions of a Trust Agreement to be entered into, on even date with said deed, between The Sussex Trust Company and Nutter D. Marvel, an individual, said agreement being as follows:

THIS IS A TRUST AGREEMENT, Made and Entered into this.....day of....., A. D. 1953, By and Between THE SUSSEX TRUST COMPANY, a corporation of the State of Delaware, having offices at Laurel, Delaware, party of the first part, hereinafter called the "trustee", and NUTTER D. MARVEL, an individual serving in a representative capacity for the friends of St. Thomas' Methodist Church, in Dagsboro Hundred, Sussex County, Delaware, of Georgetown, Delaware, party of the second part.

WHEREAS, the church building and grounds of St. Thomas' Methodist Church in Dagsboro Hundred, Sussex County, Delaware, are of deep historic interest; and

WHEREAS, since the said church is no longer active, and in the absence of such a trust as the one hereby created, a definite possibility exists that the persons whose ancestors have had connection with the said church might eventually become so scattered that there would be no practicable means of raising money to repair and maintain the premises; and

WHEREAS, it is deemed worthwhile that friends of that institution having affection for the same, should establish some trust fund so that the church and church grounds could be decently maintained forever;

NOW, THEREFORE, this agreement witnesseth:

1. The trust fund hereby established shall be known as the "St. Thomas' Methodist Church Trust Fund".

2. The sum of One Thousand Three Hundred Sixty Dollars (\$1,360.00), being the amount of money that has been heretofore paid by many interested contributors to The Sussex Trust Company to hold for the establishment of a trust fund, is intended only as the original amount of this fund, and it is hoped and intended that the party of the second part and others having an interest in St. Thomas' will from time to time add to the said fund until it reaches such proportions as will permit the accomplishment of the purposes hereinafter set forth, all of which may simply be done by giving or bequeathing money or other property to the Trustee with the simple direction that the said gift, devise or bequest shall become a part of the "St. Thomas' Methodist Church Trust Fund".

3. Party of the second part executes this contract in a representative capacity for friends and interested parties of the church. Any other party paying money into the trust fund shall have the same right to rely upon this contract as the party of the second part.

4. The said trust fund shall be administered by the Trustee according to the following uses and trusts:

A. To invest and reinvest the said funds, having full power to deal with the same as if they were its own.

B. To carry fire insurance with "extended coverage" upon the church building.

C. To maintain the church, grounds, graves and monuments in a decent state of repair, including the power to make capital expenditures for the restoration or improvement of the same, if resources available so permit.

D. To sell cemetery lots or the right of burial in the church grounds, upon such terms as the Trustee sees fit, and to apply the proceeds of such sales to the trust fund hereby created.

E. If there is a surplus of income more than is needed to maintain the property in a decent state of repair, and if the corpus has been built up to a point where in the judgment of the trustee it will be sufficient to continue to do so, any such surplus of income shall from time to time be used for a worthy charitable cause.

F. If there are not sufficient funds, and the income is not sufficient to maintain the church and grounds in a decent state of repair, and the church has fallen into disrepair, then the trustee is authorized to have the same burned or removed from the site, and to expend of the principal a sum not exceeding Five Hundred Dollars (\$500.00) for a suitable monument to be erected on the spot selected by the Trustee.

G. In case of fire, windstorm, or other destruction or loss of the buildings and the collection of the insurance, the trustee is directed not to attempt to rebuild the church from the funds of this trust or the insurance monies, but to erect a simple monument, to be selected as hereinabove provided, likewise not to cost exceeding One Thousand Dollars (\$1,000.00).



H. So long as the church building stands, it may be made available, in the sound discretion of the trustee, for use for the benefit of any worthy cause, not inconsistent with the religious history and dignity of the place, either with or without payment of rent, as the trustee sees fit to allow, provided that church services for any Christian denomination shall have preference over other uses, and provided that any Methodist congregation desiring to use the premises shall always have first preference.

IN WITNESS WHEREOF, the party of the first part has caused these presents to be executed by its proper officers, and has caused its corporate seal to be hereunto affixed and attested, party of the second part has hereunto set his hand and affixed his seal, the day and year aforesaid.

THE SUSSEX TRUST COMPANY

By .....

President

Attest .....

Secretary

..... (SEAL)

NUTTER D. MARVEL

SECTION 2. The Secretary of State is hereby authorized and directed to execute the deed provided for in Section 1 within thirty days after the receipt in his office, at Dover, Delaware, of an executed copy of the Trust Agreement also provided for in Section 1.

Approved July 1, 1953.

## CHAPTER 246

## RECORDATION OF INSTRUMENTS IN KENT AND SUSSEX COUNTIES

**AN ACT TO AMEND CHAPTER 96, TITLE 9, DELAWARE CODE OF 1953, ENTITLED "RECORDERS", RELATING TO THE RECORDATION OF INSTRUMENTS IN KENT AND SUSSEX COUNTIES AND AUTHORIZING AND DIRECTING THE LEVY COURTS OF KENT AND SUSSEX COUNTIES TO PURCHASE BOOKS AND EQUIPMENT TO CARRY OUT THE PURPOSES OF THIS ACT.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 9605, Title 9, Delaware Code of 1953 is amended by adding a new sub-section to be known as sub-section (d), as follows:

"(d) The recording of all instruments in Kent and Sussex Counties on and after September 1, 1953, as provided for in this section shall be accomplished by copying the original by means of an approved photo-copying machine and permanently binding or inserting in appropriate books, with proper identification, for the preservation of such records."

Section 2. The Levy Courts of Kent and Sussex Counties are authorized and directed to purchase the appropriate books to preserve the photo-copied records and to purchase a suitable photo-copying machine to carry out the purposes of this Act.

Approved July 1, 1953.

## CHAPTER 247

## RELATING TO STATE EMPLOYEES' PENSION PLAN

**AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE OF 1953, RELATING TO STATE EMPLOYEES' PENSION PLAN, BY GIVING CREDIT FOR THE TIME SERVED BY CERTAIN STATE HIGHWAY DEPARTMENT EMPLOYEES WHILE IN THE EMPLOY OF THE RESPECTIVE COUNTIES IN THE CARE, MANAGEMENT AND CONTROL OF THE COUNTY ROADS AND BRIDGES BEFORE THE SAME WERE TRANSFERRED TO THE STATE HIGHWAY DEPARTMENT, IRRESPECTIVE OF THE LAPSE OF TIME BETWEEN THEIR EMPLOYMENT BY THE COUNTIES AND THEIR SUBSEQUENT EMPLOYMENT BY THE STATE HIGHWAY DEPARTMENT.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 5522, Chapter 55, Title 29, Delaware Code of 1953 is amended to read as follows:

**§ 5522. Credit for time served by certain Highway Department employees**

Any former or present employee of the State Highway Department who was employed by the Levy Courts of the respective counties in this State in the care, management and control of the county roads and bridges of the respective counties and who is now an employee of the State Highway Department or who was thereafter employed by the State Highway Department, irrespective of the lapse of time between his said employment by the Levy Courts of the respective counties and his subsequent employment by the State Highway Department, in computing the number of years of service required to receive pension benefits within the meaning of this chapter shall receive full credit for the time he was so employed by the Levy Courts of the respective counties, in the care, management and control of the county roads and bridges.

Approved July 1, 1953.

## CHAPTER 248

## RELATING TO TOWN OF WYOMING

**AN ACT AMENDING CHAPTER 189, VOLUME 43, LAWS OF DELAWARE, ENTITLED "AN ACT CHANGING THE CORPORATE NAME OF 'THE COMMISSIONERS OF WYOMING' TO 'TOWN OF WYOMING' BY ESTABLISHING A CHARTER THEREFOR", BY CHANGING THE DESCRIPTION OF THE BOUNDARIES OF THE TOWN OF WYOMING.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members of each Branch thereof concurring therein):*

Section 1. Chapter 189, Volume 43, Laws of Delaware, is amended by inserting after the words "Willow Grove" appearing in the forty-third line of the description of the boundaries of the Town of Wyoming appearing in Section 1, the following words: "being designated by the Highway Department as County Route 194".

Approved July 1, 1953.

CHAPTER 249

RELATING TO TOWN OF WYOMING

**AN ACT REPEALING CHAPTER 48, VOLUME 47, LAWS OF  
DELAWARE, ENTITLED "AN ACT EXTENDING THE  
CORPORATE LIMITS OF THE TOWN OF WYOMING".**

*Be it enacted by the General Assembly of the State of  
Delaware (two-thirds of all Members of each Branch thereof  
concurring therein):*

Section 1. Chapter 48, Volume 47, Laws of Delaware, is  
repealed.

Approved July 1, 1953.

## CHAPTER 250

## RELATING TO BANKING

**AN ACT TO AMEND TITLE 5, DELAWARE CODE OF 1953, RELATING TO "BANKING" BY AUTHORIZING THE MANAGERS OR GOVERNING BODY OF SAVINGS BANKS AND SAVINGS ASSOCIATIONS TO SEGREGATE OR ALLOCATE INCOME OR OTHER ASSETS INTO AN IRREVOCABLE TRUST, TO BE USED AND APPLIED TO AND FOR EMPLOYEE RETIREMENT PENSIONS, AND TO AUTHORIZE SAID CORPORATIONS TO ACT AS TRUSTEES OF SAID FUND OR TO APPOINT TRUSTEES THEREFOR.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 5, Delaware Code of 1953, relating to Banking is amended by adding at the end of section 931 an additional paragraph as follows:

"For the purpose of paying such pensions, any such Savings Bank or Savings Society may in the discretion of a majority of all the managers or governing board, segregate or allocate funds from its income or other assets and therewith establish, maintain or increase an irrevocable retirement or pension trust. Any bank or society so establishing such a trust may itself act as trustee or may from time to time designate an independent trustee."

Approved July 1, 1953.

## CHAPTER 251

## PROVIDING FOR PROTECTION OF OYSTER BEDS

**AN ACT TO CORRECT AN ERROR IN THE DELAWARE CODE OF 1953 BY AMENDING TITLE 7, DELAWARE CODE OF 1953 TO PROVIDE FOR THE PROTECTION OF OYSTER BEDS IN THE BROADKILN RIVER AND THE MISPELLION RIVER.**

WHEREAS, Section 2951, Revised Code of Delaware, 1935, was omitted from the Delaware Code of 1953 by error, and

WHEREAS, it was not the intention of the General Assembly that such section be repealed, NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Subchapter III, Chapter 33, Title 7, Delaware Code of 1953, is amended by adding the following new section:

**§ 2348. Watchboats for Broadkiln and Mispillion Rivers; wardens in charge; appointment and salary; penalty for violation**

(a) For the purpose of protecting the oyster beds in the Broadkiln River and the Mispillion River, and those who have planted, or may hereafter plant, oysters therein, the Collector of the Oyster Revenue shall keep and maintain upon each of the Rivers a suitable watchboat, upon each of which shall be placed a Warden and any other persons necessary, in his judgment, to enforce the laws relating to oysters.

(b) The Wardens and other employees on the watchboats shall be appointed by the Governor, to serve at his pleasure. The Warden employed on the watchboat patrolling the Broadkiln River shall be a resident of the Tenth Representative District in Sussex County. The warden employed on the watchboat patrolling the Mispillion River shall be a resident of Cedar Creek Hundred in Sussex County. The Wardens and other employees shall be paid a salary commensurate with their duties by the State Treasurer upon proper voucher signed by the Collector of the Oyster Revenue.

(c) The watchboats shall be employed at all times in the protection of the natural oyster beds in the Rivers and any other oyster plantations and shall cruise at all times, when the weather will allow, over the oyster beds and plantations for their protection and for the purpose of enforcing the laws of this State.

(d) Whoever violates the provisions of this section shall be fined Fifteen Dollars (\$15.00) for the first offense and Fifty Dollars (\$50.00) for each additional offense. Upon a third conviction, in addition to the penalty above provided, it shall be the duty of the Collector of Oyster Revenue upon proper certification of the same to revoke the license of the convicted person for a period of one year.

Approved July 1, 1953.



## CHAPTER 252

## APPROPRIATION

## STATE BOARD OF EDUCATION

**AN ACT TO APPROPRIATE FUNDS TO THE STATE BOARD OF EDUCATION FOR THE MAINTENANCE AND IMPROVEMENT OF SCHOOL BUILDINGS OF THE STATE OF DELAWARE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. In addition to any other funds appropriated to the State Board of Education or other Boards of Education or School Trustees in the State, there is hereby appropriated an amount not to exceed six hundred fifty-nine thousand dollars (\$659,000.00) for the year ending June 30, 1954, and a further amount not to exceed six hundred fifty-nine thousand dollars (\$659,000.00) for the year ending June 30, 1955, for the purpose of maintaining and improving public school buildings and grounds in a condition conducive to the health, safety, and welfare of the pupils.

Section 2. The amounts appropriated shall be expended by the State Board of Education or allotted to school districts according to rules and regulations of the State Board of Education.

Section 3. In determining the present necessity for any improvement in a school district and in allotting the funds to the various school districts, the State Board of Education shall consider (1) the immediate necessity of the repairs or improvements, (2) the ability of the district to provide for the repairs or improvements requested from any and all other funds available to the district, (3) the amount of the funds which the district has budgeted from its State appropriation for the maintenance of its school buildings, (4) the age and present value of the school property, (5) the permanency of the buildings or grounds to be improved, (6) the number of pupils to be benefited, (7) the reasonable future development or retardation of the school district, and/or any other condition which may arise.

Section 4. The State Board of Education is authorized to defray the cost of supervision and administration of this Act and by so doing to use thirty-four thousand dollars (\$34,000.00) of the total amount appropriated for the year ending June 30, 1954, and the further amount of thirty-four thousand dollars (\$34,000.00) for the year ending June 30, 1955.

Section 5. In letting contracts, the State Board of Education and/or school districts shall be governed by Section 6702, Title 29, Delaware Code of 1953.

Section 6. The State Board of Education is authorized to maintain a reserve of at least twenty thousand dollars (\$20,000.00) for unforeseen emergencies.

Section 7. The sums hereby appropriated shall not revert to the General Fund of the State at the end of any fiscal year, but shall be available to the State Board of Education for carrying out the purposes of this Act.

Section 8. All contracts excepting those excluded by the provisions of Section 5 of this Act shall be accompanied by proof of possession of workmen's compensation and public liability insurance.

Section 9. This Act shall be known as a Supplementary Appropriation Act, and the money hereby appropriated shall be paid by the State Treasurer, upon warrants of the proper officials of the agencies herein provided for, drawn according to law, out of moneys deposited in the Farmer's Bank of the State of Delaware, at Dover, consisting of money received from the sale of bonds provided for by the 117th General Assembly.

Approved July 1, 1953.

## CHAPTER 253

## BANKING

**AN ACT TO AMEND TITLE 5, DELAWARE CODE OF 1953 ENTITLED "BANKING" TO PROVIDE FOR THE MERGER, CONSOLIDATION AND CONVERSION OF ONE OR MORE BUILDING AND LOAN ASSOCIATIONS AND ONE OR MORE FEDERAL SAVINGS AND LOAN ASSOCIATIONS INTO A SURVIVING, NEW OR CONVERTED BUILDING AND LOAN ASSOCIATION OR FEDERAL SAVINGS AND LOAN ASSOCIATION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 5, Delaware Code of 1953 is amended by adding thereto the following new chapter:

**CHAPTER 20. MERGER, CONSOLIDATION OR  
CONVERSION**

**§ 2001. Merger, consolidation and conversion authorized**

Any two or more building and loan associations incorporated under the general corporation laws of this State may, in the manner hereinafter provided, be merged into one such association, hereinafter designated as the surviving association, or consolidated into a new association to be formed under this chapter.

One or more building and loan associations incorporated under the general corporation laws of this State and one or more Federal savings and loan associations, operating under the laws of the United States, may, in the manner hereinafter provided and pursuant to the laws of the United States, be merged into an association, hereinafter designated as the surviving association, or into a Federal Savings and loan association, or consolidated into a new association to be formed under this chapter, or into a new Federal savings and loan association, and an association may, in the manner hereinafter provided and pursuant to the laws of the United States, be converted into a Federal savings

and loan association, and any Federal savings and loan association may, in the manner hereinafter provided and pursuant to the laws of the United States, be converted into an association hereinafter designated as the converted association. No conversion of an association into a Federal savings and loan association, or merger or consolidation of one or more associations with one or more Federal savings and loan associations to form a Federal savings and loan association shall be effected pursuant to this chapter, unless at the time of such merger, consolidation or conversion, the laws of the United States shall authorize a Federal savings and loan association to merge into, consolidate with, or convert into an association with all the property and rights of such Federal savings and loan association, vesting in such association in the same manner as is prescribed by this chapter in the merger, consolidation or conversion of Federal savings and loan associations into building and loan associations.

**§ 2002. Approval of joint plan of merger or consolidation, or plan of conversion**

The board of directors of each of the associations or Federal savings and loan associations which desire to merge, consolidate or convert shall, by resolution adopted by at least a majority of all the members of each board, approve a joint plan of merger or consolidation or a plan of conversion, as the case may be, setting forth the terms and conditions of the merger, consolidation or conversion and the mode of carrying the same into effect, the manner and basis of converting the shares of each association or Federal savings and loan association into shares or other securities or obligations of the surviving, new or converted association or Federal savings and loan association, as the case may be, and such other details and provisions as are deemed necessary.

The board of directors of each association or Federal savings and loan association, upon approving such plan of merger, consolidation or conversion in accordance with the provisions of this chapter, shall, by resolution, direct that the plan be submitted to a vote of the shareholders of such association or Federal savings and loan association entitled to vote thereon, at an annual or special meetings of the shareholders. Written notice shall, not less than fifteen days before such annual or special meet-

ing, be given respectively to each shareholder of record, unless the plan of merger or consolidation contemplates an increase in the authorized capital of the constituent associations, in which event sixty days' notice of such meeting shall be given to each shareholder. The notice shall state the place, day, hour, and purpose of the meeting, and a copy or a summary of the plan or merger, consolidation or conversion, as the case may be, shall be included in or enclosed with such notice. However, in the case of the surviving association in a merger, if the articles or by-laws specifically so provide, the plan of merger shall not be required to be submitted to the shareholders for approval, but in such case written notice of such contemplated merger shall be given to all shareholders of the surviving association, prior to the date upon which the articles of merger are filed with the Secretary of State; in such event, upon request in writing to the secretary of the association, any shareholder of the surviving association shall be entitled to receive forthwith a copy of the proposed plan of merger.

The plan of merger, consolidation or conversion, to form a surviving, new or converted association, shall be ratified upon receiving the affirmative vote of the holders of at least a majority of the outstanding shares entitled to vote thereon of each of the merging or consolidating associations or Federal savings and loan associations, except in the case of a surviving association, the articles or by-laws of which, pursuant to this chapter, provide that action by the shareholders shall not be required, in which case no ratification shall be necessary.

The plan of conversion of an association into a Federal savings and loan association, or the plan of merger or consolidation of one or more associations with one or more Federal savings and loan associations to form a Federal savings and loan association, shall be ratified upon receiving the affirmative vote of the holders of at least a majority of the outstanding shares entitled to vote thereon of the association converting, or of each of the merging or consolidating associations.

### **§ 2003. Articles of merger, consolidation or conversion**

Upon the approval, pursuant to the provisions of this chapter, of the plan of merger, consolidation or conversion by the shareholders of the associations or Federal savings and loan

associations desiring to merge, consolidate or convert, or in the case of a surviving association, the articles or by-laws of which, pursuant to this chapter, provide that action by the shareholders shall not be required upon the giving of written notice to the shareholders of the intention of the board of directors to file articles of merger with the Secretary of State, articles of merger, consolidation or conversion, as the case may be, shall be executed under the seal of each association or Federal savings and loan association and verified by two duly authorized officers of each association or Federal savings and loan association, and shall set forth:

(1) The name of the surviving, new or converted association or Federal savings and loan association.

(2) The time and place of the meeting of the directors at which the plan of merger, consolidation or conversion was proposed, and except where, pursuant to the provisions of this chapter, the plan of merger is not submitted to a vote of the shareholders of the surviving association, the time and place of the meeting of the shareholders of each association or Federal savings and loan association at which the plan of merger, consolidation or conversion, as the case may be, was ratified, the kind and period of notice given to the shareholders, and the total vote by which the plan was adopted.

(3) In the case of a merger into a surviving association, any changes desired to be made in the articles of the surviving association, or, in the case of a consolidation into a new association or the conversion of a Federal savings and loan association into an association, all of the statements required by law to be set forth in the original articles in the case of the formation of an association.

(4) The number, names, and addresses of the persons to be the first directors of the surviving, new or converted association or Federal savings and loan association.

(5) The plan of merger, consolidation or conversion.

#### **§ 2004. Advertisement**

The association or Federal savings and loan association shall advertise its intention to file articles of merger, consolida-

tion or conversion, as the case may be, with the Secretary of State. Advertisements shall appear in a newspaper of the county where the involved association or Federal savings and loan association has its principal office at least three days prior to the day on which the articles of merger, consolidation or conversion are to be presented to the Secretary of State, and shall set forth briefly:

(1) The name and the location of the principal place of business of each of the associations or Federal savings and loan associations intending to merge, consolidate or convert.

(2) The name and the location of the principal place of business of the surviving, new or converted association or Federal savings and loan association.

(3) A statement that the articles of merger, consolidation or conversion are to be filed under the provisions of this chapter.

(4) The purpose or purposes of the surviving, new or converted association.

(5) The time when the articles of merger, consolidation or conversion will be delivered to the Secretary of State.

**§ 2005. Filing of articles of merger, consolidation or conversion; payment of fees; approval by Secretary of State**

The articles of merger, consolidation or conversion, as the case may be, the proof of publication of the advertisement required by this chapter, and a certificate or certificates from the proper department or departments evidencing payment by the corporation of all taxes and charges as required by law, shall be delivered to the Secretary of State.

The Secretary of State shall examine such articles of merger, consolidation or conversion, such proof of publication and such certificate or certificates herein required to be delivered therewith to determine whether they contain all the information and are in the form required by this chapter, and also whether the name of the surviving, new or converted association, as the case may be, conforms with the requirements of law for the name of such an association, or, if the name is not the same as either

or any of the merging or consolidating associations, whether it is the same as one already adopted or reserved by another corporation or person or is so similar thereto that it is likely to mislead the public.

After all the fees, taxes, and other charges have been paid as required by law, except for the costs of an examination made by the State Bank Commissioner, pursuant to the provisions of this chapter, to determine whether to approve the merger, consolidation or conversion, or any other charges made by the State Bank Commissioner, the Secretary of State, if the articles of merger, consolidation or conversion, the certificate or certificates herein required to be delivered therewith and the proof of publication contain the information and are in the form required by this chapter, shall forthwith, but not prior to the day specified in the advertisement of the intention to file the articles, endorse his approval thereon, and shall forthwith transmit them to the State Bank Commissioner.

If the Secretary of State shall disapprove the articles of merger, consolidation or conversion pursuant to this chapter, he shall forthwith give notice thereof to the association or Federal savings and loan association, stating in detail his reasons for doing so, and stating how such association or Federal savings and loan association can remedy the nonconformance with the provisions of this chapter. Upon remedying the defect, such association or Federal savings and loan association may in the same manner file the same or amended articles, whichever the particular case may require.

**§ 2006. Approval of articles of merger, consolidation or conversion by State Bank Commissioner**

The State Bank Commissioner shall, immediately upon the receipt from the Secretary of State of the articles of merger, consolidation or conversion, conduct such examination as he may deem necessary to ascertain from the best sources of information at his command:

(1) Whether the name of the surviving, new or converted association, or Federal savings and loan association is likely to mislead the public.



(2) Whether the consolidation, merger or conversion is made for legitimate purposes.

(3) Whether the interests of the shareholders or creditors are adequately protected.

(4) Whether the surviving, new or converted association meets all the requirements of this chapter and violates none of its prohibitions.

The cost of such examination and any other charges of the State Bank Commissioner, bearing upon the filing of the articles of merger, consolidation or conversion, shall be assessed upon the associations in the manner provided by law for assessments by the State Bank Commissioner of costs of examinations or other charges.

Each Federal savings and loan association desiring to merge, consolidate or convert shall pay to the Secretary of State, at the time the articles of merger, consolidation or conversion are filed, such reasonable fees, as shall be established by rule and regulation by the State Bank Commissioner, for the investigation made by the State Bank Commissioner, pursuant to the provisions of this chapter, to determine whether the articles should be approved. Such fees shall be paid by the Secretary of State to the State Treasurer, to become a part of the general fund of the State.

Within thirty days after the receipt of the articles of merger, consolidation or conversion from the Secretary of State, the State Bank Commissioner shall, upon the basis of the facts disclosed by the investigation provided for by this section, either approve or disapprove such articles. He shall immediately notify the Secretary of State in writing of his action. If he shall approve the articles of merger, consolidation or conversion, he shall endorse his approval thereon, and shall return them to the Secretary of State.

If the State Bank Commissioner disapproves the articles of merger, consolidation or conversion, he shall return them to the Secretary of State, stating in detail his reasons for doing so. The Secretary of State shall immediately give notice to the associations or Federal savings and loan associations desiring

to merge, consolidate or convert, or to the Federal savings and loan association desiring to convert of the action of the State Bank Commissioner, and of the reasons therefor as stated to him by said State Bank Commissioner. Such associations or Federal savings and loan association may, within thirty days after the Secretary of State sends them notice of the disapproval of their articles of merger, consolidation or conversion, appeal from such disapproval to the Governor, who shall hear such appeal promptly, and shall, within thirty days thereafter, decide the matter and certify his decision to the State Bank Commissioner. The decision of the Governor shall be conclusive and not subject to review. The State Bank Commissioner shall act in accordance therewith.

**§ 2007. Issuance of certificate of merger, consolidation or conversion**

Immediately upon receipt of the approved articles of merger, consolidation or conversion from the State Bank Commissioner, and upon receipt by the Secretary of State of the written approval of the Federal Home Loan Bank Board, if such approval is required by law, the Secretary of State shall file the articles, and shall issue to the surviving, new or converted association or Federal savings and loan association, or its representative, a certificate of merger, consolidation or conversion. A copy of the approved articles of merger, consolidation or conversion shall be sent by the Secretary of State to the State Bank Commissioner.

**§ 2008. Effect of merger, consolidation or conversion**

Upon the merger or consolidation becoming effective, the several associations, or Federal savings and loan associations, parties to the plan of merger or consolidation, shall be a single association or Federal savings and loan association, which, in the case of a merger, shall be that association or Federal savings and loan association designated in the plan of merger as the surviving association or Federal savings and loan association, and, in the case of a consolidation, shall be the new association or Federal savings and loan association provided for in the plan of consolidation. The separate existence of all association, parties to the plan of merger or consolidation, shall cease, except,

in the case of a merger, that of the surviving association or Federal savings and loan association. All the property, real, personal, and mixed, of each of the associations or Federal savings and loan associations, parties to the plan of merger, consolidation, or conversion, and all debts or obligations due to any of them, including subscriptions to shares, and other choses in action belonging to either or any of them, shall be taken and deemed to be transferred to and vested in the surviving, new or converted association or Federal savings and loan association, as the case may be, without further act or deed. The surviving, new or converted association or Federal savings and loan association shall thenceforth be responsible for all the liabilities and obligations of each of the associations or Federal savings and loan associations so merged, consolidated or converted; but the liabilities of the merging, consolidating or converting associations or Federal savings and loan associations, or of their shareholders, directors, or officers, shall not be affected, nor shall the rights of the creditors thereof or of any persons dealing with such associations or Federal savings and loan associations, or any liens upon the property of such associations or Federal savings and loan associations, be impaired by such merger, consolidation or conversion, and any claim existing or action or proceeding pending by or against any of such associations or Federal savings and loan associations may be prosecuted to judgment as if such merger, consolidation or conversion had not taken place, or the surviving, new or converted association may be proceeded against or substituted in its place. In the case of a merger, the articles of incorporation of the surviving association shall be deemed to be amended to the extent, if any, that changes in its articles are stated in the articles of merger; and in the case of a consolidation or conversion into a converted association, the statements set forth in the articles of consolidation or conversion, and which are required or permitted to be set forth in the articles of incorporation of associations formed under the general corporation laws of this State, shall be deemed to be the articles of incorporation of the new or converted association.

#### **§ 2009. Rights of dissenting shareholders**

If any shareholder of an association or Federal savings and loan association which becomes a party to a plan of merger, consolidation or conversion shall file with such association or

Federal savings and loan association, prior to or at the meeting of shareholders at which the plan of merger, consolidation or conversion is submitted to a vote, or in the case of a shareholder of a surviving association which, pursuant to the provisions of this chapter, becomes a party to a plan of merger without action by its shareholders, shall file, within twenty days after the written notice of such merger has been given as required by this chapter, a written objection to such plan of merger, consolidation or conversion, and shall not vote in favor thereof, and such shareholder, within twenty days after the merger, consolidation or conversion was effected, shall make written demand on the surviving, new or converted association or Federal savings and loan association for the payment of the fair value of his shares as of the day prior to the date on which the vote was taken approving the merger, consolidation or conversion, or in the case of a surviving association which, pursuant to this chapter, became a party to the merger without action of its shareholders the day prior to the date on which the articles of merger were filed with the Secretary of State, without regard to any depreciation or appreciation thereof in consequence of the merger, consolidation or conversion, the surviving, new or converted association or Federal savings and loan association shall pay to such shareholder the fair value of his shares upon surrender of the share certificate or other evidence of his shares. The demand of the shareholder shall state the number and kind of the shares owned by him. Any shareholder who fails to file such written objection, or any shareholder who files such written objection and fails to make demand within the twenty-day period, shall be conclusively presumed to have consented to the merger, consolidation or conversion, and shall be bound by the terms thereof. If within thirty days after the date on which such merger, consolidation or conversion was affected the value of such shares shall be agreed upon by the dissenting shareholder and the surviving, new or converted association or Federal savings and loan association, payment thereof shall be made in cash, within ninety days after the date on which such merger, consolidation or conversion was affected, upon the surrender of the share certificate or other evidence of his shares. Upon payment of the agreed value, the dissenting shareholder shall cease to have any interest in such shares or in the association or Federal savings and loan association.

If within such period of thirty days the shareholder and the surviving, new or converted association or Federal savings and loan association do not so agree, then the dissenting shareholder may, within sixty days after the expiration of the thirty-day period, apply, by petition to the Court of Chancery of this State, within the county in which the place of business of the surviving, new or converted association or Federal savings and loan association is situated for the appointment by the court of three disinterested persons to appraise the fair market value of his shares without regard to any depreciation or appreciation thereof in consequence of the merger, consolidation or conversion. The award of the appraisers, or of a majority of them, when confirmed by the court, shall be final and conclusive. The costs of such appraisal, including a reasonable fee to the appraisers, shall be fixed by the court, and shall be assessed either upon the new, surviving or converted association or Federal savings and loan association, or upon the dissenting shareholder, or upon both, in the discretion of the court. The award shall be payable only upon, and simultaneously with, the surrender to the surviving, new or converted association or Federal savings and loan association of the share certificate or certificates representing the shares of the dissenting shareholder. If the award shall not be paid by the surviving, new or converted association or Federal savings and loan association within thirty days after the award was made by the appraisers, the amount of the award shall be a judgment against the surviving, new or converted association or Federal savings and loan association, as the case may be, and may be collected as other judgments in such court are by law collectible. Upon the payment of the award or judgment, the dissenting shareholder shall cease to have any interest in such shares or in the surviving, new or converted association or Federal savings and loan association. Unless the dissenting shareholder shall file a petition within the time herein limited, such shareholder, and all persons claiming under him, shall be conclusively presumed to have approved and ratified the merger, consolidation or conversion and shall be bound by the terms thereof. The right of the dissenting shareholder to be paid the fair value of his shares, as herein provided, shall cease if and when the association shall abandon the merger, consolidation or conversion.

**§ 2010. Effective date of merger, consolidation or conversion**

Upon the issuance of the certificate of merger, consolidation or conversion by the Secretary of State, the merger, consolidation or conversion shall be effective. The certificate of merger, consolidation or conversion shall be conclusive evidence of the performance of all conditions precedent to such consolidation, merger or conversion and the creation or existence of a new, surviving or converted association, except as against the State.

Approved July 1, 1953.

## CHAPTER 254

## RELATING TO TOWN OF SEAFORD

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF SEAFORD' AND ESTABLISHING A CHARTER THEREFOR," BEING CHAPTER 184, VOLUME 43, LAWS OF DELAWARE, AS AMENDED, BY INCREASING THE AMOUNT OF MONEY WHICH MAY BE RAISED EACH YEAR IN TAXES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 24, Chapter 184, Volume 43, Laws of Delaware, as amended, by Chapter 61, Volume 47, Laws of Delaware, is further amended by deleting the words "fifty thousand dollars" where the same appear in the third line of said section, and by substituting in lieu thereof the expression "Seventy-five Thousand Dollars".

Approved July 6, 1953.

## CHAPTER 255

## RELATING TO TOWN OF WOODSIDE

**AN ACT TO AMEND AN ACT TO INCORPORATE THE TOWN  
OF WOODSIDE, IN KENT COUNTY, DELAWARE, BY  
CHANGING THE HOURS OF ELECTION.**

*Be it enacted by the General Assembly of the State of  
Delaware (two-thirds of each House concurring):*

Section 1. Section 4 of Chapter 229, Volume 26, Laws of Delaware, is amended by striking out the words "2 o'clock P. M. and 4 o'clock P. M." as they appear in lines four and five of said Section 4, and substituting the words "7 o'clock P. M. and 9 o'clock P. M."

**Approved July 6, 1953.**



## CHAPTER 256

RELATING TO DELAWARE SOCIETY FOR THE PREVENTION  
OF CRUELTY TO ANIMALS**AN ACT TO AMEND THE CHARTER OF THE DELAWARE  
SOCIETY FOR THE PREVENTION OF CRUELTY TO  
ANIMALS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members of each House concurring therein):*

Section 1. That 2556, Sec. 58, Chapter 70 of the Revised Code of Delaware, 1935, be and the same is hereby amended by striking out and repealing said section and substituting in lieu thereof a new section as follows:

2556. Sec. 58. **Incorporation:** The Delaware Society for the Prevention of Cruelty to Animals is incorporated and made a body politic and corporate in law.

(a) **Objects:** The objects of the Society are to provide effective means for the prevention of cruelty to animals throughout the State of Delaware and to conduct a program of education designed to eliminate acts of cruelty to animals.

(b) **Powers:** The Society shall have the power to enforce all laws enacted for the protection of animals; to purchase, print, and circulate books and publications designed to promote the objects of the Society; to appoint or employ such agents or employees as the Board of Managers may from time to time deem necessary; to sue and be sued, in its corporate name, in any court in this State or elsewhere; to exercise all of the legal incidents common to a body corporate, including the right to use a seal, to receive legacies and donations, to acquire by purchase and transfer by sale, lease or mortgage real estate or any interest therein; to make and perform contracts of every kind with any person, corporation, government, state, county or municipality which are designed to promote the objects of the Society.

(c) **Offices:** The principal office of the Society shall be located in the County of New Castle, but the Society is authorized and empowered to establish branch offices at any place or places within the State of Delaware.

(d) **Existence:** The Society shall have perpetual existence.

(e) **Management:** The affairs of the Society shall be conducted by a Board of Managers, at least twenty in number. The Board of Managers shall be selected by majority vote of the members of the Society present and voting at a meeting called for that purpose, for such periods, at such times, and in such manner as may be provided in the by-laws. The Board of Managers shall have those powers and duties prescribed in the by-laws and otherwise given by the laws of this State to corporate Directors.

(f) **Membership:** Membership in the Society shall be open to all persons interested in the objects of the Society; provided, however, that the by-laws may prescribe conditions of membership, including an annual dues or assessment. The private property of the members of the Society shall not be subject to the payment of Society debts to any extent whatsoever.

(g) **Officers:** The officers of the Society shall be selected by the Board of Managers and shall be those officers provided for in the by-laws.

(h) **By-laws:** The Society shall have the power to adopt a code of by-laws; said by-laws shall be binding upon the Society and its members until modified or rescinded by a majority vote of those members present and voting at a meeting called for that purpose.

Section 2. That 2557, Sec. 59, Chapter 70 of the Revised Code of Delaware, 1935, be and the same is hereby repealed.

Section 3. That 2558, Sec. 60, Chapter 70 of the Revised Code of Delaware, 1935, be and the same is hereby repealed.

Section 4. That 2559, Sec. 61, Chapter 70 of the Revised Code of Delaware, 1935, be and the same is hereby repealed.

Section 5. That 2560, Sec. 62, Chapter 70 of the Revised Code of Delaware, 1935, be and the same is hereby repealed.

Section 6. That 2562, Sec. 64, Chapter 70 of the Revised Code of Delaware, 1935, be and the same is hereby repealed.

Approved July 6, 1953.

## CHAPTER 257

## RELATING TO TOWN OF MIDDLETOWN

**AN ACT TO AMEND AN ACT TO REINCORPORATE THE TOWN OF MIDDLETOWN.**

*Be it enacted by the General Assembly of the State of Delaware, (two-thirds of all the Members elected to each Branch of the Legislature concurring therein):*

Section 1. Paragraph 16 of Section 3 of "An Act to Reincorporate the Town of Middletown, Volume 33, Chapter 128 of the Laws of Delaware" be and the same is amended by striking out and repealing Paragraph 16 of Section 3 thereof and inserting in lieu thereof a new paragraph to be known as Paragraph 16, Section 3, of Volume 33, Chapter 128, of the Laws of Delaware as amended, as follows:

Paragraph 16 of Section 3: To make general assessments of property in said Town, and assess and collect taxes and other rates and charges thereon, for municipal uses and purposes; provided, however, that The Mayor and Council of Middletown shall make no general assessments or collect any taxes or other rates and charges, as aforesaid, with respect to unimproved land lying within said Town or which may hereafter be annexed to and become a part of said Town so long as such land shall remain unimproved and shall not abut or be adjacent to an improved street within said Town; provided further that, upon the installation of an improved street in said Town, unimproved land abutting thereon or adjacent thereto shall thereafter be subject to assessment and taxation for municipal uses and purposes to the extent that such unimproved land fronts upon such improved street and to the depth of such lot or lots as shall appear on such plot or plan of said land as may be furnished or submitted to the Mayor and Council by the owner of such unimproved land after the Mayor and Council shall have given written notice unto such owner to furnish or submit such a plot or plan within a period of time to be fixed in said notice; if, however, such owner shall fail to submit or furnish such a plot or plan within the time prescribed, then such land shall be subject to assessment and taxation to the extent that such unimproved

land fronts upon such improved street and to such reasonable depth as shall be fixed by the Mayor and Council after the Mayor and Council shall have given consideration to the depth of lots in close proximity thereto; provided further that "unimproved land" as used in this paragraph shall include but shall not be limited to farm and agricultural lands, even though farm residences and buildings exist or are erected thereon. To make and collect special assessments of said property for the costs of any local or general improvement; and to enforce the payment of such taxes and other rates and charges and special assessments.

Section 2. This act shall be deemed and taken to be a public act.

Approved July 6, 1953.

## CHAPTER 258

## RELATING TO TOWN OF FRANKFORD

**AN ACT TO AMEND THE CHARTER OF THE TOWN OF FRANKFORD BY EXTENDING THE LIMITS AND BOUNDS OF THE TOWN OF FRANKFORD.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of the Members of each Branch concurring therein):*

Section 1. Section 1 of Chapter 144, Laws of Delaware, Volume 41, is amended by adding a new paragraph as follows:

The limits and bounds of the Town of Frankford are hereby extended and such extension is hereby declared to be as follows:

Beginning at the northeast corner of the old Corporation outline, at an iron pipe driven on east right of way of the Honolulu Road on lands of Bernard Lynch, thence with the old corporation outline S. 53° 35' W. 399 ft. to a cement boulder settled on outline of outline of old corporation line, and corner for the new addition of the Town Corporation of the Town of Frankford on lands of Phillip Walls, thence N. 2° 10' E. 2493 ft. across lands of Phillip Walls, Antioch Church property, Clifton Brasure, Walter Brasure to a point center of the John M. Clayton High School Building in back of said building, being 300 ft. westerly from Stone Road Highway-Right of Way—thence through center of said school building S. 87° 50' E. 660 ft. across John M. Clayton School property, stone road highway, and Everett Long land to a cement boulder settled on land of said Everett Long, thence S. 2° 10' W. 2645 ft. across lands of Everett Long, Walter Brasure, Edgar Timmons, (Dela Feed Co.) Wilmer Daisey and Bernard Lynch, to a cement boulder settled on the east right of way of the Honolulu Road, thence with east right of way of said Honolulu Road, N. 36¼° W. 522 ft. to iron pipe place of beginning.

The above description being in accordance with a survey by Isaac L. Bennett dated February 25, 1953.

Approved July 6, 1953.

## CHAPTER 259

## RELATING TO TOWN OF REHOBOTH

**AN ACT TO LEGALIZE AND VALIDATE THE ACTS DONE AND PROCEEDINGS TAKEN BY THE COMMISSIONERS OF REHOBOTH, A MUNICIPAL CORPORATION, AND BY ITS OFFICERS AND AGENTS, IN RELATION TO THE ISSUANCE OF CERTAIN OUTSTANDING WATER BONDS OF SAID MUNICIPAL CORPORATION, AND TO LEGALIZE AND VALIDATE SAID BONDS AND TO PROVIDE FOR THE PAYMENT OF SAID BONDS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each Branch thereof concurring therein):*

Section 1. All acts done and proceedings taken by The Commissioners of Rehoboth, a municipal corporation, and by its officers and agents, in relation to the issuance of the bonds of said municipal corporation, now outstanding, which are designated as Rehoboth Beach Water Improvement Bonds Issue of 1952, and are of the aggregate principal amount of One Hundred Eighty-Five Thousand Dollars (\$185,000.) and are dated January 1, 1952, and consist of one hundred and eighty-five bonds of the denomination of One Thousand Dollars (\$1,000) each, numbered from one (1) to one hundred and eighty-five (185), inclusive, and maturing serially, five (5) bonds on January 1, 1955, and six (6) bonds on January 1 in each of the years 1956 to 1985, inclusive, are hereby legalized and validated; and said bonds are hereby legalized and validated and declared to be general obligations of said municipal corporation, notwithstanding any defect or irregularity in such acts or proceedings or in the sale, execution or delivery of said bonds. For the payment of the principal of and the interest on said bonds, as such principal and interest become due, The Commissioners of Rehoboth shall have power to levy taxes upon all taxable property in the City of Rehoboth Beach at such rate and in such amount as may be necessary for said purpose.

Approved July 6, 1953.

## CHAPTER 260

## RELATING TO STATE HIGHWAY DEPARTMENT BIDS

**AN ACT AMENDING TITLE 17, OF THE DELAWARE CODE OF 1953, ENTITLED "HIGHWAYS" BY CHANGING THE REQUIREMENT FOR THE ADVERTISEMENT FOR BIDS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 152, Title 17, Delaware Code of 1953, is amended by striking out all of subsection (b) thereof and inserting in lieu thereof the following subsection:

(b) The Chief Engineer shall then advertise for sealed proposals to build or construct the road or section thereof or for such material. The advertisement for such bids shall be published at least once a week for two consecutive weeks in a newspaper of general circulation throughout the State and at least once a week for two consecutive weeks in a newspaper published in each County of the State, such advertisement shall be sufficiently full to indicate with reasonable accuracy the character, quantity and location of the work to be done, or the character and quantity of material to be furnished, when work shall commence, and when it shall be completed, or the materials to be furnished, and the manner and time of payment for the work to be done, or the material to be furnished, and the time and place of the opening of proposals and the conditions to be complied with in submitting proposals.

Approved July 6, 1953.



## CHAPTER 261

## RELATING TO TOWN OF LEWES

**AN ACT TO AMEND CHAPTER 170, VOLUME 43, LAWS OF  
DELAWARE, ENTITLED "AN ACT TO RE-INCORPOR-  
ATE THE TOWN OF LEWES" RELATING TO THE  
DURATION OF THE LIEN OF TOWN TAXES ON REAL  
ESTATE.**

*Be it enacted by the General Assembly of the State of  
Delaware (two-thirds of the Members of each Branch thereof  
concurring therein):*

Section 1. Section 13 of Chapter 170, Volume 43, Laws of Delaware is amended by adding at the end thereof the following:

"The lien of taxes on real estate in the Town of Lewes shall remain a lien for the period of ten years from the date of delivery of the duplicate to the Commissioners by the Assessor as prescribed by Section 14 of this chapter."

Approved July 6, 1953.

## CHAPTER 262

## IN RELATION TO PUBLIC DUMPING AREAS

**AN ACT TO AMEND TITLE 17, DELAWARE CODE OF 1953 RELATING TO "HIGHWAYS" BY AUTHORIZING AND EMPOWERING THE STATE HIGHWAY DEPARTMENT TO ACCEPT IN THE NAME OF THE STATE BY EASEMENT OR LEASE CERTAIN AREAS WITHIN THE STATE FOR THE PURPOSE OF PROVIDING PUBLIC DUMPING AREAS; AND PROVIDING FOR THE SUPERVISION AND CONTROL OF SAID AREAS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 132, Title 17, Delaware Code of 1953 is amended by adding an additional numerical paragraph Number 12 at the end of subsection (c) as follows:

(12) Accept lands by easement or lease in the name of the State in areas where it is deemed necessary to establish dumping areas for the use of the public, supervise and control all areas so accepted and provide suitable passageways to the dumping areas; and further, police the areas in order to prevent the spread of pests and disease and make such other regulations and rules as shall be deemed necessary for the purpose of carrying out the intent and purpose of this paragraph (12).

Approved July 6, 1953.

CHAPTER 263

IN RELATION TO PHARMACIST'S LICENSES

**AN ACT TO AMEND CHAPTER 25, TITLE 24, DELAWARE  
CODE OF 1953, ENTITLED "PHARMACY" BY CHANG-  
ING THE LICENSE RENEWAL REQUIREMENTS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 2525 (c), Title 24, Delaware Code of 1953  
is amended to read as follows:

(c) If any pharmacist or assistant pharmacist fails, for  
a period of 60 days after the expiration of his license, to make  
application to the Board for its renewal, his name shall be  
erased from the register of licensed pharmacists or assistant  
pharmacists. Such person in order to again become registered  
as a licensed pharmacist or assistant pharmacist shall be re-  
quired to pay all such annual registration fees as had become  
due since the year his name was dropped as herein provided.

Approved July 6, 1953.

## CHAPTER 264

## APPROPRIATION

## BOARD OF PAROLE

**AN ACT TO APPROPRIATE MONEY TO THE BOARD OF  
PAROLE FOR THE PURPOSE OF DEFRAYING EX-  
PENSES OF THE SAID BOARD FOR THE FISCAL YEAR  
ENDING JULY 1, 1953.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. The sum of two hundred dollars (\$200.00) be and the same is hereby appropriated to the Board of Parole for the sole purpose of defraying expenses of the said Board incurred and to be incurred during the present fiscal year ending July 1, 1953.

Section 2. This act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the general fund of the State of Delaware, not otherwise appropriated.

Approved July 6, 1953.

## CHAPTER 265

## RELATING TO TOWN OF SEAFORD

**AN ACT TO AMEND CHAPTER 184 OF VOLUME 43, LAWS OF DELAWARE, BEING AN ACT ENTITLED "AN ACT CHANGING THE NAME OF THE TOWN OF SEAFORD TO THE CITY OF SEAFORD AND ESTABLISHING A CHARTER THEREFOR", BY GIVING AUTHORITY TO THE CITY COUNCIL OF SEAFORD TO LEVY AND IMPOSE ANNUAL SERVICE CHARGES FOR THE USE OF THE MUNICIPAL SEWERS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each Branch thereof concurring therein):*

Section 1. Chapter 184, Volume 43, Laws of Delaware is amended by adding after Section 27, and before Section 28 thereof, a new section to bear the general caption "Sewers and Sewer Service Charges" and to be denominated as "Section 27a" as follows:

**"SEWERS AND SEWER SERVICE CHARGES"**

Section 27a. The Council of the City of Seaford shall have the power to impose upon property owners having property connected to and using the City sewer system an annual service charge for such use, and the said City Council is hereby vested with full authority to collect the said sewer charges in any or all of the ways from time to time provided by law for the collection of municipal taxes. The said service charge shall be collected by the City and deposited in a special fund to be used solely for the payment of interest upon and retirement of sewer bonds. The said charge to any property owner shall not exceed 30% of the amount charged to that property owner by the City for water rent.

Approved July 6, 1953.

## CHAPTER 266

## RELATING TO SALARY OF DEPUTY STATE TREASURER

**AN ACT TO AMEND TITLE 29, DELAWARE CODE OF 1953, IN RESPECT TO THE SALARY OF THE DEPUTY STATE TREASURER.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2704 (a), Title 29 Delaware Code of 1953, is amended by striking out the words and figures "at an annual salary of \$4,000." as the same appear therein and substituting the following words and figures "at an annual salary not exceeding Five Thousand Dollars (\$5,000.00)."

Section 2. There is appropriated from the General Fund of the State Treasury the sum of One Thousand Dollars (\$1,000.00) for the fiscal year beginning July 1, 1953 and an additional sum of One Thousand Dollars (\$1,000.00) for the fiscal year beginning July 1, 1954, for the purpose of carrying out the increased salary provided by Section 1. This is a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved July 6, 1953.

CHAPTER 267

APPROPRIATION

BURIAL OF INDIGENT SERVICEMEN

**AN ACT APPROPRIATING MONEY FOR THE BURIAL OF  
INDIGENT SOLDIERS, SAILORS, MARINES, MEMBERS  
OF THE AIR FORCES AND COAST GUARD.**

*Be it enacted by the General Assembly of the State of  
Delaware (three-fourths of each Branch concurring therein):*

Section 1. That for each of the two fiscal years beginning July 1, 1953, and ending June 30, 1954, and beginning July 1, 1954 and ending June 30, 1955, the sum of Four Thousand Dollars (\$4,000.00) be and the same is hereby appropriated out of the General Funds of the State for the burial of indigent soldiers, sailors, marines, members of the Air Forces and Coast Guard of this State pursuant to § 902, Title 20, Delaware Code of 1953.

Section 2. That this Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Funds of the State Treasury not otherwise appropriated.

Approved July 6, 1953.

## CHAPTER 268

## RELATING TO TOWN OF CLAYTON

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF CLAYTON" BY EMPOWERING THE TOWN TO BORROW MONEY WHEN AN EMERGENCY ARISES.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of each Branch concurring therein):*

Section 1. That Chapter 131, Volume 33, Laws of Delaware, as amended, be and the same is hereby further amended by adding a new paragraph at the end of Section 24 of said chapter to read as follows:

"Whenever the needs of the Town of Clayton for emergency repairs and improvements to the water system, the sewer system, the electrical distribution system and the streets shall require an expenditure of more money than is at the time in the treasury of the town from current receipts, the Town Council of the Town of Clayton is authorized and empowered to borrow such sum or sums as shall be needed for such emergency repairs and improvements, not to exceed at any time the aggregate amount of Twenty-five Thousand Dollars (\$25,000.00). Any indebtedness created hereby shall be evidenced by bond or note of the Town of Clayton, and the faith and credit of the Town of Clayton shall be deemed to be pledged for the due payment thereof. The Town Council of the Town of Clayton is hereby authorized and required to levy and raise by taxation such sum of money as may be required to pay the debt and interest of such indebtedness according to the terms of the bond or note evidencing such indebtedness.

Approved July 6, 1953.



## CHAPTER 269

## RELATING TO REGISTRATION MARKING OF MATTRESSES

**AN ACT AMENDING CHAPTER 21, TITLE 16, DELAWARE CODE OF 1953, RELATING TO HEALTH AND SAFETY BY CHANGING THE METHOD OF SHOWING REGISTRY NUMBER ON MATTRESSES, PILLOWS AND BEDDING.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2106 (a), Title 16, Delaware Code of 1953, is amended by striking out the period at the end thereof and substituting in lieu thereof the following: “; (4) the registry number used in applying and enforcing the tagging, inspection and adhesive stamp provisions of this chapter.”

Section 2. § 2106 (b), Title 16, Delaware Code of 1953, is amended by striking out the period at the end thereof and substituting in lieu thereof the following: “; the registry number used in applying and enforcing the tagging, inspection and adhesive stamp provisions of this chapter.”

Section 3. § 2108, Title 16, Delaware Code of 1953, is amended by striking out the words “the registry number of the person applying therefor,” appearing in said section.

Approved July 6, 1953.

## CHAPTER 270

RELATING TO ERECTION OF LIGHT ON BELLEVUE ROAD

**AN ACT REQUIRING THE STATE HIGHWAY DEPARTMENT TO ERECT AN OVERHEAD ILLUMINATING ELECTRIC LIGHT ON BELLEVUE ROAD WHERE IT INTERSECTS WITH THE PHILADELPHIA PIKE (ROUTE NO. 13) IN BRANDYWINE HUNDRED, NEW CASTLE COUNTY, DELAWARE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The State Highway Department is directed to and charged with the responsibility of erecting and maintaining in operation an overhead illuminating electric light on Bellevue Road where it intersects with the Philadelphia Pike (Route No. 13) in Brandywine Hundred, New Castle County, Delaware, within thirty (30) days from the date of the approval of this act.

Approved July 6, 1953.

## CHAPTER 271

## RELATING TO TOWN OF CAMDEN

**AN ACT TO AMEND "AN ACT CHANGING THE CORPORATE NAME OF 'THE COMMISSIONERS OF CAMDEN' TO 'THE TOWN OF CAMDEN' AND ESTABLISHING A CHARTER THEREFOR" RELATING TO THE LIMIT OF THE AMOUNT TO BE RAISED BY TAXATION.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of each House concurring):*

Section 1. Sub-section 13 of Section 15, Chapter 159, Volume 43, Laws of Delaware 1941, is amended by repealing all of sub-section 13 of Section 15 and inserting in lieu thereof a new sub-section 13 as follows:

(13) The limit of the amount to be raised by taxation under this Section shall not exceed the sum of Twelve Thousand Five Hundred (\$12,500) Dollars in any one year clear of all delinquencies and expenses of collection, provided, however, that the Council of the said Town, whenever authorized by referendum vote duly held and conducted in all respects as provided for in Section 5 of this Act, may raise by taxation any amount above and exceeding the sum of Twelve Thousand Five Hundred (\$12,500) Dollars. At such referendum one set of ballots used shall have written or printed thereon the words "for increased taxation" another set of ballots shall have written or printed thereon the words "against increased taxation" and both sets of ballots shall specify thereon the amount proposed to be raised; when, however, any sum in excess of Twelve Thousand Five Hundred (\$12,500) Dollars shall have been authorized and approved at such referendum, it shall be lawful to raise by taxation such approved sum from year to year without the necessity of holding a referendum election each year, when, however, it shall be proposed to increase the sum to be raised each year by taxation above the amount approved at the last referendum when in order to authorize any such increase a new referendum shall be necessary and whenever any increased sum shall be authorized

at any referendum said sum shall represent the maximum amount authorized to be raised from year to year by taxation until an increase shall have been authorized by referendum duly held as aforesaid.

Approved July 7, 1953.

## CHAPTER 272

## RELATING TO TOWN OF VIOLA

**AN ACT TO AMEND CHAPTER 239, VOLUME 27, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF VIOLA" AS AMENDED BY CHAPTER 82, VOLUME 46, LAWS OF DELAWARE, BY INCREASING THE AMOUNT THAT MAY BE RAISED ANNUALLY BY TAXATION IN SAID TOWN.**

*Be it enacted by the Senate and the House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the Members of each House concurring therein):*

THAT Chapter 239 of Volume 27, Laws of Delaware, 1913, as amended by Chapter 82, Laws of Delaware 1947, be and the same is hereby further amended by striking out and repealing the first paragraph of Section 6 of said Chapter and substituting the following, to be known as "Section 6":

"Section 6. That the Commissioners herein named and their successors in office shall, at their first stated meeting in each year, determine the amount of tax to be raised in said town for that year, not exceeding One Thousand Dollars (\$1,000.00) including tax on real and personal property and poll tax; and they shall appoint an assessor, who may or may not be one of their number, to make an assessment of persons and property in said town; and shall also appoint a collector and treasurer, who may or may not be one of their number."

Approved July 7, 1953.

## CHAPTER 273

## RELATING TO TOWN OF WILMINGTON

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO THE STREETS AND SEWERS OF THE CITY OF WILMINGTON", BEING CHAPTER 188 OF VOLUME 18, LAWS OF DELAWARE, AS AMENDED, AND AN ACT ENTITLED "AN ACT TO REVISE AND CONSOLIDATE THE STATUTES RELATING TO THE CITY OF WILMINGTON", BEING CHAPTER 207 OF VOLUME 17, LAWS OF DELAWARE, AS AMENDED, BY VESTING IN THE STREET AND SEWER DEPARTMENT OF THE MAYOR AND COUNCIL OF WILMINGTON ALL POWER AND JURISDICTION WITH RESPECT TO THE COLLECTION AND DISPOSAL OF GARBAGE IN THE CITY OF WILMINGTON AND THE MAINTENANCE AND OPERATION OF CITY CREMATORIES AS NOW VESTED IN THE DEPARTMENT OF HEALTH AND BY TRANSFERRING TO SAID STREET AND SEWER DEPARTMENT ALL OF THE EXISTING POWER AND JURISDICTION OF SAID DEPARTMENT OF HEALTH WITH RESPECT THERETO.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the Members elected to each Branch thereof concurring therein):*

Sec. 1. That Chapter 188, Volume 18, Laws of Delaware, entitled an "Act in Relation to the Streets and Sewers of the City of Wilmington", as amended by Chapter 405, Volume '2, Laws of Delaware, and by Chapter 135, Volume 37, Laws of Delaware, be and the same is hereby further amended by adding at the end of Section 1a thereof, the following new section, to be known as Section 1b:

Section 1b. The Board of Directors of the Street and Sewer Department of The Mayor and Council of Wilmington beginning July 1, 1953, shall have authority, jurisdiction and control over the collection and disposal of garbage within the City of Wilmington and over the maintenance and operation of City Crematories.

## CHAPTER 272

## RELATING TO TOWN OF VIOLA

**AN ACT TO AMEND CHAPTER 239, VOLUME 27, LAWS OF DELAWARE, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF VIOLA" AS AMENDED BY CHAPTER 82, VOLUME 46, LAWS OF DELAWARE, BY INCREASING THE AMOUNT THAT MAY BE RAISED ANNUALLY BY TAXATION IN SAID TOWN.**

*Be it enacted by the Senate and the House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the Members of each House concurring therein):*

THAT Chapter 239 of Volume 27, Laws of Delaware, 1913, as amended by Chapter 82, Laws of Delaware 1947, be and the same is hereby further amended by striking out and repealing the first paragraph of Section 6 of said Chapter and substituting the following, to be known as "Section 6":

"Section 6. That the Commissioners herein named and their successors in office shall, at their first stated meeting in each year, determine the amount of tax to be raised in said town for that year, not exceeding One Thousand Dollars (\$1,000.00) including tax on real and personal property and poll tax; and they shall appoint an assessor, who may or may not be one of their number, to make an assessment of persons and property in said town; and shall also appoint a collector and treasurer, who may or may not be one of their number."

Approved July 7, 1953.

## CHAPTER 273

## RELATING TO TOWN OF WILMINGTON

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT IN RELATION TO THE STREETS AND SEWERS OF THE CITY OF WILMINGTON", BEING CHAPTER 188 OF VOLUME 18, LAWS OF DELAWARE, AS AMENDED, AND AN ACT ENTITLED "AN ACT TO REVISE AND CONSOLIDATE THE STATUTES RELATING TO THE CITY OF WILMINGTON", BEING CHAPTER 207 OF VOLUME 17, LAWS OF DELAWARE, AS AMENDED, BY VESTING IN THE STREET AND SEWER DEPARTMENT OF THE MAYOR AND COUNCIL OF WILMINGTON ALL POWER AND JURISDICTION WITH RESPECT TO THE COLLECTION AND DISPOSAL OF GARBAGE IN THE CITY OF WILMINGTON AND THE MAINTENANCE AND OPERATION OF CITY CREMATORIES AS NOW VESTED IN THE DEPARTMENT OF HEALTH AND BY TRANSFERRING TO SAID STREET AND SEWER DEPARTMENT ALL OF THE EXISTING POWER AND JURISDICTION OF SAID DEPARTMENT OF HEALTH WITH RESPECT THERETO.**

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the Members elected to each Branch thereof concurring therein):*

Sec. 1. That Chapter 188, Volume 18, Laws of Delaware, entitled an "Act in Relation to the Streets and Sewers of the City of Wilmington", as amended by Chapter 405, Volume 22, Laws of Delaware, and by Chapter 135, Volume 37, Laws of Delaware, be and the same is hereby further amended by adding at the end of Section 1a thereof, the following new section, to be known as Section 1b:

Section 1b. The Board of Directors of the Street and Sewer Department of The Mayor and Council of Wilmington beginning July 1, 1953, shall have authority, jurisdiction and control over the collection and disposal of garbage within the City of Wilmington and over the maintenance and operation of City Crematories.



Sec. 2. All the authority, jurisdiction and control over the collection and disposal of garbage within the City of Wilmington, the maintenance and operation of City Crematories, and the appointment, removal and supervision of officers and employees engaged in such municipal operations, as presently vested in and/or exercised by the Department of Health, including all authority, jurisdiction and control vested in said Department of Health by Section 7 of Chapter 177, Volume 24, Laws of Delaware and Section 1 of Chapter 114, Volume 32, Laws of Delaware, be and the same hereby is transferred from said Department of Health and is hereby vested in said Street and Sewer Department, as of midnight, June 30, 1953.

Sec. 3. All acts and parts of acts inconsistent with any provision of this act are hereby repealed.

Approved July 7, 1953.

## CHAPTER 274

## RELATING TO TOWN OF LEWES

**AN ACT TO AMEND CHAPTER 196, VOLUME 22, PART 1, LAWS OF DELAWARE ENTITLED "AN ACT TO AUTHORIZE THE COMMISSIONERS OF LEWES TO APPOINT A BOARD OF PUBLIC WORKS FOR THE TOWN OF LEWES, WHICH SHALL ESTABLISH, CONTROL AND REGULATE AN ELECTRIC LIGHT PLANT, WATER WORKS AND A SEWER SYSTEM FOR SAID TOWN: PRESCRIBING THE POWERS AND DUTIES OF SAID BOARD AND PROVIDING FOR THE ELECTION OF THEIR SUCCESSORS", BY DEFINING THE TERM "SUBSTANTIAL FREEHOLDER".**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House of the General Assembly concurring therein):*

Section 1. Section 1, of Chapter 196, of Part 1, of Volume 22, Laws of Delaware, is amended by adding at the end thereof the following:

For the purposes of this chapter, the term "substantial freeholder" shall mean any person who holds either fee simple title or title as a tenant by the entirety of real property within the corporate limits of the Town of Lewes of an assessed valuation of at least \$1000.00 and said title is of record in the Office of the Recorder of Deeds for Sussex County.

Approved July 7, 1953.

## CHAPTER 275

## RELATING TO CITY OF WILMINGTON

**AN ACT RELATING TO LIMITATIONS OF LAW AFFECTING THE AMOUNT OF BONDS WHICH MAY BE ISSUED OR BONDED DEBT WHICH MAY BE INCURRED BY "THE MAYOR AND COUNCIL OF WILMINGTON", AND REPEALING INCONSISTENT ACTS OR PARTS OF ACTS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members of each Branch thereof concurring therein):*

Section 1. In ascertaining the amount of the bonded debt incurred or bonds issued in the name of the Mayor and Council of Wilmington for the purposes of any limitation with respect to the amount of such bonded debt or bonds issued, contained either in Section 71 of the Act entitled "An Act to revise and consolidate the statutes of the City of Wilmington", approved on April 13, 1883, and constituting Chapter 207 of Volume 17 of the Laws of Delaware, or the acts amendatory thereof or supplemental thereto, or in any other law now in effect, there shall be excluded from such bonded debt or bonds issued all bonds issued in the name of The Mayor and Council of Wilmington which have been or may hereafter be issued either for the purpose of providing a supply of water for the City of Wilmington or which have been or may hereafter be issued pursuant to the Wilmington Sewer Revenue Bond Act of 1949 (Chapter 269 of Volume 47 of the Laws of Delaware) or the acts amendatory thereof.

Section 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed to the extent of such inconsistency.

Approved July 7, 1953.

## CHAPTER 276

## RESPECTING USE OF VOTING MACHINES IN PRIMARY ELECTIONS

**AN ACT TO AMEND CHAPTER 31, TITLE 15, DELAWARE CODE OF 1953 IN RESPECT TO PRIMARY ELECTIONS BY PROVIDING FOR THE METHODS AND PROCEDURES CONNECTED WITH THE USE OF VOTING MACHINES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 3101, Chapter 31, Title 15, Delaware Code of 1953 is amended by adding at the end thereof the following new paragraph:

"Primary ballots" mean paper ballots used with ballot boxes or ballots used in voting machines.

Section 2. § 3108, Chapter 31, Title 15, Delaware Code of 1953 is amended by repealing the last paragraph and substituting in lieu thereof the following paragraph:

"The Chairman or Secretary of a political party holding a primary election shall at least one week prior to the day on which such election is to be held deliver to the Department of Elections a list giving the address of the polling places at which voting machines are to be used, and the Department of Elections shall cause voting machines to be delivered in such primary districts at least one hour prior to the opening of the polls. The Department of Elections shall cause such machines to be returned and impounded not later than one secular day after such election."

Section 3. § 3124, Chapter 31, Title 15, Delaware Code of 1953 is amended by adding at the end thereof a new subsection as follows:

(d) "The Department of Elections shall cause to be printed the ballots to be used in voting machines for primary elections and shall cause the same to be placed in voting machines for the proper district prior to their delivery. The Chairman and Secre-

tary of a political party holding any primary election shall not less than five days prior to such primary election certify to the Department of Elections the name of all candidates to be voted for at such election and the office for which they are a candidate."

Section 4. § 3125, Chapter 31, Title 15, Delaware Code of 1953 is amended by adding at the end thereof a new subsection as follows:

(d) "Provided and notwithstanding the foregoing, in every primary district in which there is a contest for any office, voting machines of the type used in general elections in this State shall be used; said voting machines shall be inspected, prepared and certified in the same manner as in the case for general elections."

Section 5. § 3163, Chapter 31, Title 15, Delaware Code of 1953 is amended by adding at the end thereof a new paragraph as follows:

"The method for voting in primary districts where voting machines are used shall be as in general elections."

Section 6. § 3173, Chapter 31, Title 15, Delaware Code of 1953 is amended by adding at the end thereof a new paragraph as follows:

"In primary election districts where voting machines are used, the total vote cast for each candidate, as recorded on the voting machine, shall be entered by the judges holding such primary election for such primary district on the two certificates furnished for such purpose; each certificate shall be signed by the Inspector, Judges, and Poll Clerks, one of said certificates together with one Poll list shall be delivered by the Inspector on the first secular day following such primary election to the Chairman of the regularly organized County or City Committee, as the case may be, of the political party holding such primary election; the other certificate and all keys to the voting machines, and one poll list shall be delivered to the Department of Elections in an envelope furnished for that purpose; said envelope shall be sealed and each officer shall sign their name across the seal of said envelope."

Approved July 7, 1953.

## CHAPTER 277

## REINCORPORATING THE TOWN OF LAUREL

## AN ACT TO RE-INCORPORATE THE TOWN OF LAUREL.

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each Branch thereof concurring therein):*

Section 1. The inhabitants of the Town of Laurel, in Sussex County, are hereby constituted and continued a municipal corporation and body politic by and under the name and style of "Mayor and Council of Laurel", hereafter referred to as Corporation or Town, with power to govern themselves by such ordinances, rules, resolutions and regulations for municipal purposes as they may, through their duly elected officers and agents, deem proper, not in conflict with the provisions of this Charter of government, nor with the Constitution and Laws of the State of Delaware, or of the United States.

All ordinances, resolutions and regulations for municipal purposes heretofore adopted by the governing body of the Town of Laurel now in force, not inconsistent with or repealed or modified by the provisions of this Charter, shall continue in force until repealed or changed by proper authority, and are extended and made applicable to the territory comprised within the boundaries of the Town as described herein.

Officers of the Town of Laurel heretofore elected shall continue in office for the remainder of the several terms of office for which they were elected.

All appointed officers, agents and servants shall be continued in their several offices and employments unless removed by proper authority.

**Section 2. Territorial limits.**

The territorial limits of the Town of Laurel are as follows:

BEGINNING at a stone set in the southerly bank of the Laurel River, back of the lot owned by Raymond Jones; thence

running in an easterly direction with the Southerly bank of the Laurel River, and following the course thereof, until it intersects the East side of Poplar Street; Northwest four and one-half degrees, a distance of sixty-three and four-tenths rods; from thence Northeast fifty and one-fourth degrees, a distance of sixty-three rods to Route 13 (thirteen) of the Delaware State Highway; from thence across said highway, and with the Southerly limits of the Laurel to Georgetown highway, Route Northeast sixty-six and one-half degrees, a distance of sixty-six rods; thence Northeast fifty-nine degrees, a distance of eighteen rods; thence Northeast, forty-eight and one-quarter degrees, a distance of twenty-nine and one-half rods to the center of a branch, thence leaving the road leading from Laurel to Georgetown, or Route, and following center of said branch, in a southerly direction until it intersects the North side of Laurel Lake; thence crossing said Lake Southeast thirty-nine and one-half degrees, such distance to a stone on the South side of Laurel Lake; from thence South southwest fourteen and three-quarters degrees, a distance of two hundred and eight and one-half rods, to a point in Rossakatum Branch Ditch; from thence Northwest eighty-one degrees, five minutes, a distance of three hundred and five and one-tenth rods, to a stone on the property of Luke E. Collins; thence Northeast nineteen and one-half degrees, a distance of one hundred and seventy-one and six-tenths rods home to the place of BEGINNING.

### Section 3. Ward limits.

The Town of Laurel shall be divided into Four Wards, described as follows:

The First Ward shall consist of all that part of said Town lying and being within the following boundary lines, to-wit: BEGINNING at the intersection of the Southerly bank of Laurel River and the center line of Central Avenue, thence Southerly with the center line of Central Avenue, as extended, in a straight line, to the Southerly boundary line of corporate limits of the Town, as defined in Section 1 of this Act, being also a point on the land of the heirs of William W. Dashiell, deceased; thence with the said corporate limits Easterly, Northerly and Westerly to the place of BEGINNING.

The Second Ward shall consist of all that part of the said Town lying and being within the following boundary lines, to-wit: BEGINNING at the intersection of the Southerly bank of Laurel River, and the center line of Central Avenue; thence Southerly, with the center line of Central Avenue, to a point where the same intersects with the center line of Sixth Street; thence Westerly with the center line of Sixth Street, to a point in the Westerly boundary line or corporate limits of the Town, as defined in Section 1 of this Act, thence following the course of said boundary line, in a Northerly direction, to the Southerly bank of Laurel River, and thence therewith Easterly to the place of BEGINNING.

The Third Ward shall consist of all that part of the said Town lying and being within the following boundary lines, to-wit: BEGINNING at the intersection of the center line of Central Avenue, and the center line of Sixth Street; thence Southerly with said center line of said Central Avenue, as extended, in a straight line, to a point in the Southerly boundary line or corporate limits of the Town, as defined in Section 1 of this Act, being also a point in the land of the heirs of William W. Dashiell, deceased; thence in a Southwesterly direction, following the course of said boundary line, to a stone set in the land of the heirs of Thomas H. Riggin; thence North eighty-three and one-half degrees West, following the course of the Westerly boundary line of the Town to the center line of Sixth Street aforesaid, and thence Easterly with the center line of Sixth Street aforesaid, to the place of BEGINNING.

The Fourth Ward shall consist of all that part of the said Town lying and being within the following boundary lines, to-wit:

BEGINNING at the East side of Poplar Street and the North side of Laurel River; thence following up the North side of said River to and across Records Mill Dam; thence up the North side of Records Mill Pond to a branch on the North side of said Mill Pond; thence up with the said branch in a Northerly direction to a new stone road leading to Georgetown; thence in a Westerly direction along and with the South side of said public road to the public road, leading from Laurel to Bethel; thence along and with the Southeast side of Poplar Street to the place of BEGINNING.



#### Section 4. Annexation of territory.

The corporation is vested with the power and authority to annex to the Town any territory, ponds and streams or territory abutting thereon, contiguous to the boundaries of the Town as established herein.

The procedure for the annexation of territory shall be as follows:

Upon the presentation to the Council of a petition signed by a majority of persons owning land in the territory sought to be annexed, duly acknowledged by each signer before a Notary Public, the Council shall adopt a resolution in which there shall be included an accurate description of the territory, and fixing a time for a public hearing of the qualified voters of the Town and owners of land in the territory to be held within sixty days from the day of the adoption of the resolution. A copy of the resolution shall be published in a newspaper in the Town in at least two consecutive issues prior to the time fixed for the public hearing. Thereupon, after hearing all persons interested, and considering the advantages, if it be determined to proceed with the proposed annexation, the Council shall by ordinance or resolution provide for calling and holding a special election at which the proposed annexation of territory shall be decided.

The special election shall be held and conducted in the same manner as a general municipal election is conducted, and subject to the same voting requirements and qualifications. The Council shall prepare the form of the ballot permitting the voter to express his decision either for or against the proposed annexation of territory.

At the conclusion of the election the ballots shall be counted publicly, and the result certified to the Council by the members of the election board, and the certification shall be incorporated in the Minutes of the Council.

If the result of the balloting shall be in favor of the proposed annexation of territory, the Council shall adopt a resolution declaring that the territory described be annexed to the Town subject to the provisions of the Charter of the Town, its

laws, ordinances and resolutions; and shall cause a certificate to be prepared, signed by the Mayor, attested by the Town Clerk, and under the corporate seal, embodying the result of the balloting, an accurate description of the territory, and the resolution of the Council, together with a plot of the territory annexed to be recorded in the Office of the Recorder of Deeds for Sussex County; and thereupon the Charter of the Town with respect to its territorial limits shall be deemed to be amended.

#### **Section 5. Corporate powers, general.**

The corporation is invested with power and authority necessary and appropriate for the government of the Town of Laurel, the beauty of the Town, its peace and good order, the sanitation, health, comfort, safety, convenience and well-being of its inhabitants, and the protection and preservation of property, public and private.

#### **Section 6. Corporate powers. Specific.**

In furtherance of, and not in limitation of the general and special powers of government conferred herein, the corporation is vested with the power and authority by ordinance, resolution, regulation or rule,

- (1) To adopt, make and use a corporate seal.
- (2) To sue and be sued, answer and defend, in all Courts of law and equity and before commissions and administrative bodies in the name of the corporation.
- (3) To acquire and hold by purchase, lease or otherwise, and to sell, demise or otherwise dispose of real and personal property, wheresoever situated, necessary or appropriate for municipal purposes.
- (4) To take and hold devises, bequests and donations of real and personal property, wheresoever situated, for its own use, or in trust for charitable, benevolent, educational or other public purposes.

(5) To acquire, construct and maintain public buildings, libraries, hospitals, asylums and reformatory institutions, and to regulate the management thereof.

(6) To appropriate money to aid in the relief and support of the sick, infirm and disabled residents of the Town, and for the support of private hospitals, libraries, asylums, reformatories and volunteer fire companies.

(7) To construct, maintain, cleanse, abandon, vacate and regulate the use of bridges and viaducts.

(8) To construct, extend, improve, control and regulate the use of sewers, sewage disposal plants, drains, gutters and other means for the drainage and disposal of water and sewage within the limits of the Town and within one mile thereof; to impose fees and rentals for the use of sewers and other systems of drainage; to require and compel the connection of properties with the sewer mains or other systems of drainage; to accomplish the work necessary to be done upon failure or neglect of the owner and at his expense, and to impose fines and penalties for non-compliance; and to establish as a lien against the property affected, the cost and expense incident to the work necessary to be done in connecting properties, with interest, together with any fine or penalty imposed.

(9) To provide for supplying the Town and its inhabitants with potable and uncontaminated water; to construct, improve, extend, enlarge and maintain such works, plants and instrumentalities as may be necessary or convenient for supplying water; to provide for the installation of water meters; to fix and regulate the rates for the use of water; to compel properties to be connected with the water mains; to provide fines and penalties for non-compliance; to accomplish the connection of properties with water mains at the expense of the owner of the property upon his neglect or refusal; and to establish as a lien against the property affected the cost and charges of making the connection, together with interest and fine or penalty; and to supply persons, factories and plants outside the limits of the Town with surplus water, and to fix the rates and charges therefor.

(10) To regulate and control, alter and change the course of natural water courses, runs, rivulets and other waters within the limits of the Town and within one mile thereof.

(11) To lay-out streets and fix the grade thereof on any land immediately contiguous to the boundary line of the Town and within one mile thereof.

(12) To prescribe the height, thickness of walls and the materials of all buildings, public or private, in the Town, and the mode of erecting and maintaining them; to fix building lines; to prescribe the extent of steps, porches, cellar doors and other inlets to buildings; to require the owner of public halls and other public buildings to provide safe and sufficient means of exit, and fire escapes; and to regulate the manner in which party walls and partition fences shall be constructed and maintained.

(13) To issue permits for the erection and repair of buildings, and to fix the charges therefor; and to provide for the punishment of persons who shall erect, or attempt to erect, or to repair any building or structure without first having obtained a permit therefor.

(14) To provide for the prevention and control of fire and fire hazards and to establish fire zones and areas.

(15) To zone or district the Town and to make provisions for zones and districts with respect to buildings and building materials, and generally to exercise all power vested in the legislative and administrative bodies of citizens and Towns under the Constitution and Laws of the State of Delaware.

(16) To provide electric current, gas and other substances and devices for supplying the Town and its inhabitants with light, heat and power, and for that purpose to enter into contracts with public utility companies; and to erect and maintain plants, works, lines, mains and other appurtenances for supplying light, heat and power to persons and places within and without the limits of the Town, and to fix the rates and charges therefor.

(17) To grant rights, franchises and privileges for the location, construction and operation of utilities in, upon and under any public street, square, thoroughfare, sidewalk, crossing, bridge, sewer, drain, wharf, pier or other place, upon such terms and conditions and for such time as may be determined by the affirmative vote of at least five (5) members of the Council, and subject to the approval of the Mayor.

(18) To license and to fix fees and charges for persons carrying on any business or practicing any profession within the limits of the Town; provided that persons engaged in the selling of milk and farm produce grown on the farm of the vendor may be excepted.

(19) To regulate the burial of the dead; to define and abate nuisances injurious to the public health or safety or intolerable to the inhabitants of the Town; and to prevent the introduction of infectious or contagious diseases within the limits of the Town or within one mile thereof.

(20) To provide for the collection of all money due to the Town from whatever source, where no provision is made herein for the collection thereof.

(21) To provide for the punishment of violations of ordinances by fine not exceeding One Hundred (\$100.00) Dollars or imprisonment not exceeding thirty (30) days, or both.

(22) To prevent vice, drunkenness and immorality and to prevent gambling and fraudulent devices.

(23) To regulate and control the observance of the Sabbath Day.

(24) To restrain, license and regulate public sports, exhibitions, shows, parades, circuses and other public performances, amusements and games.

(25) To establish and regulate pounds and to restrain and impound any domestic or wild animal, bird, or fowl running at large and to authorize the destruction thereof; and to fix and collect charges for impounding.

(26) To require the registration of dogs and to impose taxes on owners or keepers of dogs.

(27) To regulate, license, restrain or require the removal of slaughter houses, wash houses, laundries, canning establishments, fertilizer plants, swine pens, privies, water closets, cesspools, and any activity, business or condition detrimental to the public health.

(28) To make and enforce sanitary regulations; to establish rules and regulations for the control of restaurants, eating houses, hotels and other places furnishing food or drink to the public.

(29) To enforce the removal of snow, ice, dirt or foreign substances from sidewalks and gutters by abutting owners or occupiers, and at their expense.

(30) To license, regulate or prohibit the business and activities of persons engaged in hawking, peddling and soliciting.

(31) To regulate and control the use of streets, lanes and alleys for the parking of vehicles and to provide and maintain public parking places and parking meter systems.

(32) To prohibit, remove and regulate the erection and maintenance of any encroachment, projection, or obstruction to any street or thoroughfare, or other public place, wharf, dock, sewer or drain.

(33) To establish, curb and grade lines, and to furnish the owners of property with such lines upon application, and to punish any person who shall disregard the curb and grade lines established, or who shall pave or attempt to pave, or to make any other improvement with respect to the curb and grade lines of the Town without first obtaining the authority therefor; and to denounce as a nuisance, punishable or abatable as other nuisances, any curb or pavement not in conformity with the curb and grade lines established.

(34) To provide for the payment of legitimate expenses of the corporation and for the annual payment through the medium of a sinking fund or otherwise of its bonded indebtedness now existing or hereafter created.

(35) To require the registration of real estate situated within the limits of the Town in such manner as to show the owner thereof and to facilitate the assessment of real estate for taxation.

(36) To change, from time to time, the limits of the several Wards of the Town, so that each shall have as nearly as possible an equal number of inhabitants.

(37) To establish residential requirements for members of the Police Force, Fire Department, and other employees of the Town.

(38) To levy annually a tax on telegraph, telephone, power and utility poles and appurtenances, gas mains and conduits either at a certain sum for each pole and appurtenance, or certain length of main or conduit, or upon the fair and reasonable value of the poles, appurtenances, mains and conduits.

(39) To borrow money in anticipation of revenues for the current expenses of the Town not in excess of Twenty Thousand (\$20,000.00) Dollars, and to issue notes, or certificates of indebtedness therefor.

(40) To require any officer or employee of the Town to give security for the performance of duty in such amount and upon such conditions as may be necessary and proper.

(41) To establish such offices, employments and departments of government as may be necessary, proper or convenient for the management, control and superintendence of streets and thoroughfares, parking meter system, water system, sewer system, and other facilities of the Town, to prescribe the duties thereof, and to fix salaries or compensations.

(42) To lease, sell, convey, or otherwise dispose of any property, real or personal belonging to the Town.

(43) To provide for the purchase of property, or rendition of services at and by competitive bidding, and the awarding of contracts to the lowest responsible bidder.

(44) To exempt from taxation for a period of not more than ten (10) years, persons or corporations who shall desire to promote and establish any enterprise in the Town and shall initially expend therein an amount not less than Fifty Thousand (\$50,000.00) Dollars.

**Section 7. Form of government—term of office—vacancies—removal from office—salaries—quorum of council.**

For the government of the Town of Laurel there shall be a Mayor and a Council of seven (7) members, to be elected by the qualified voters of the Town at biennial municipal elections as hereinafter provided. The Mayor and members of Council shall be freeholders and qualified voters of the Town; and in the Council the legislative power of the corporation is vested.

The term of office of the Mayor shall be two (2) years, the term of office of a member of Council shall be four (4) years, and all terms of office shall begin on the first Tuesday in April next following the election.

Four members of the Council shall be nominated and elected from the several Wards in which they reside, and three members shall be nominated and elected from the Town at large. No more than two Councilmen shall be nominated and elected from any one Ward, and if, at any time, by removal from a Ward or change of Ward limits, or otherwise, more than two members of Council shall become residents of the same Ward, the term of office of that member last becoming a resident of the Ward shall terminate and the office shall become vacant; and if the Mayor or any member of the Council shall cease to be a resident of the Town, the term of office shall end, and the office become vacant.

If a vacancy, for whatever cause, shall occur in the office of Mayor, the Council, by vote of a majority of all the members, shall elect a qualified person to serve as Mayor until the next general municipal election.



If a vacancy, for whatever cause, shall occur in the office of Councilman within two years from the time of the election and qualification of the member, the Mayor, subject to the approval of a majority of the remaining members of the Council, shall appoint a qualified person to serve as Councilman until the next general municipal election, at which election a qualified person shall be elected to serve for the remainder of the term for which the member was elected; and if the vacancy shall occur more than two years after the election and qualification of the member, the Mayor, subject to like approval of the Council, shall appoint a qualified person to serve for the remainder of the term.

The Mayor may be removed from office for any wilful violation of his duties under this Charter, or for the commitment of any crime or misdemeanor punishable under the laws of this State or of the United States, by the affirmative vote of at least five members of the Council, but only upon written specifications of the offense delivered to him at least six days prior to a day to be fixed by the Council for public hearing, at which he may be represented by Counsel.

For like causes, and in the same manner, a member of Council may be removed from office by the affirmative vote of five (5) of the members of the Council, excluding the member under charge.

For reasonable cause, the Mayor may suspend from office for a period not exceeding thirty (30) days, any person appointed by him, and may remove such person from office with the approval of a majority of all the members of the Council; and upon the address of at least five (5) members of the Council, the Mayor shall remove from office any person appointed by him.

Before an order of removal from office shall become effective, the person under charge shall have an opportunity to be heard before the Council in public session.

The Mayor shall receive such salary or compensation as shall be determined by the Council, which shall not be diminished during the term for which he was elected.

Each member of the Council shall receive an annual salary of Fifty (\$50.00) Dollars.

The Council shall be the judge of the qualifications and elections of its members; and it shall prescribe all rules of order for the conduct of the affairs of the Town.

Five (5) members of the Council shall constitute a quorum for the transaction of all business, subject, however, to the provisions of this Charter in respect of the number of affirmative votes required in particular cases.

The Council shall cause to be kept a journal of its acts and proceedings.

The meetings of the Council shall be public, except during such time as the Council shall deem it advisable to discuss any matter in executive session; but no vote or ballot shall be taken by the Council upon any matter before it except in public session.

#### **Section 8. Ordinances and resolutions.**

Every legislative act of the Council shall be by ordinance. No ordinance shall be passed unless a bill shall have been regularly introduced and had two readings, one of which shall be at a meeting previous to the meeting at which the ordinance shall be passed. On the final passage of a bill the vote shall be taken by yeas and nays, and the members voting for and against it shall be entered on the journal. No ordinance shall be passed without the concurrence of a majority of all the members of the Council. Ordinances granting franchises shall not be passed without an affirmative vote of five (5) of the members of the Council, nor within thirty days after its introduction.

Every ordinance, after it shall have been enrolled, shall be signed by the President, and within two days thereafter shall be presented to the Mayor by the Town Clerk for approval or disapproval. If the Mayor shall return the ordinance without his approval, the Council shall proceed to re-consider it. The objections of the Mayor to the ordinance shall be stated in writing, and shall be entered in the Journal. If, after consideration of the

ordinance, the Council by vote of at least five (5) members shall agree to pass it, the ordinance shall become an ordinance of the Town as fully and to all intents and purposes as if it had been approved by the Mayor, otherwise it shall be inoperative.

The action of the Council shall be certified on the ordinance by the President of the Council.

Every ordinance that shall not be returned to the Council by the Mayor within ten (10) days after it shall have been presented to him, shall become an ordinance as valid and effective as if it had been approved by him.

All ordinances, rules, resolutions and regulations passed by the Council shall be preserved by the Town Clerk and recorded at length in a suitable book kept for that purpose.

All ordinances of a general or permanent nature and those imposing a fine or penalty shall be advertised at least twice in a newspaper of general circulation published in the Town of Laurel.

The Council shall not pass any ordinance exempting any individual from the operation of any general ordinance or municipal regulation, nor shall it have power to pass any ordinance providing for the expenditure of money in any fiscal year in excess of the amount received from taxes, water rents, sewer charges and other miscellaneous receipts of the Town for such year, except such sum as may be necessary for the replacing or repairing of the properties or works of the corporation injured or destroyed through casualty or calamity.

A member of the Council who has a personal or private interest in any measure or proposal pending before it shall publicly disclose the fact to the members and shall not vote thereon, nor, except by permission, take part in the discussion thereof.

If such interested member shall vote without publicly disclosing his interest in the measure, ordinance or proposal, and it shall be carried by his vote, such measure, ordinance, bill or proposal shall be void and shall be so declared by the Council.

The printed or typewritten copies of the ordinances, resolutions and regulations of the Council published by the authority of the Council, shall be admitted as evidence in all Courts.

#### **Section 9. Eminent domain**

Whenever the corporation shall determine it to be necessary, proper or convenient to acquire any land, or interest therein, building, franchise, right, easement, sand, earth, gravel or other property for locating, laying out, widening, altering or otherwise improving streets or thoroughfares, for additions to and the extension of sewers and drains, sewage disposal plants, for any public utility furnishing light, heat, power or water and accessories thereto, mains, docks, wharves, piers, bulkheads, public parks, playgrounds, or for any other municipal purpose, within the corporate limits of the Town or within one mile thereof, and the corporation cannot agree with the owner for the acquirement thereof by purchase, it shall have the right and power to enter upon and condemn such property for public use in accordance with the provisions of Chapter 271, Volume 48, Laws of Delaware, establishing a uniform procedure for the condemnation of property under the power of eminent domain; and the provisions of the Act and amendments thereto are adopted as a part of this Charter.

#### **Section 10. Liens, how established and foreclosed.**

Liens on real property for the non-payment of taxes, for the proportional part of the expense for improvement of streets, for the expense of paving, curbing or guttering, for the expense of connecting property with water or sewer mains of the Town, and for any other charge or expense imposed upon owners of property by this Charter, or by ordinance duly enacted, shall be established in the following manner:

A certificate signed by the Mayor, attested by the Town Clerk and under the corporate seal shall be prepared, containing therein, with respect to unpaid taxes, the name of the taxable and his last known post office address, a description of the property subject to the tax sufficient readily to identify it, the amount of tax in arrears and the year or years of the levy of the tax, the date from which interest is to be calculated, and the date on

which an itemized bill of taxes was sent to the taxable; and, with respect to unpaid charges other than taxes, the certificate shall be in the same general form, and shall contain the name of the owner of the property and last known post office address, a description of the property subject to lien sufficient readily to identify it, an itemization of the charges or expenses, the date when the work was begun and when finished, the date from which interest is to be calculated, and the date when an itemized bill for the charges and expenses was sent to or delivered to the owner of the property.

The certificate shall be recorded in the Office of the Recorder of Deeds for Sussex County in the Mortgage Records of the Office and shall be properly indexed.

The amount of money shown by the Certificate to be due and owing, with interest and penalty, if any, shall be collected by foreclosure of the lien in the same manner and by the same procedure and subject to the same rules of the Superior Court relative to pleading and practice as are provided for the foreclosure of a mortgage on real property and with the same costs and charges, together with a collection charge not exceeding five percentum of the amount of the lien with interest.

#### **Section 11. Streets, facilities and instrumentalities.**

Upon petition, or upon its own initiative, the corporation is vested with the power and authority to locate, lay-out, open, re-open, establish, widen, extend, grade, repair, pave, curb, supervise, manage and regulate the use of streets and thoroughfares and all other public property, facilities and instrumentalities; and by ordinance to establish all necessary and proper rules, regulations and methods of procedure for the accomplishment of said objects and purposes, and the establishment of liens against real property.

#### **Section 12. Special street improvement.**

Upon the petition of a majority of persons owning property along any street or thoroughfare, or portion thereof, praying that such street or thoroughfare, or portion thereof, between the curb lines, be permanently improved, the Council may, by ordi-

nance or resolution, direct the improvement to be made, the expense thereof to be assessed against the owners of the abutting properties, as follows: twenty-five percentum of the expense to be paid by the owners of said abutting properties and the remainder of the expense to be paid by the Town.

Each owner of abutting property shall be assessed and charged with his proper share of the twenty-five percentum of the total expense according to the frontage of the property of the owner abutting the street and the amount of the assessment shall constitute a debt owing to the Town by the property owner to be collected as other debts due the Town, and may be established as a lien upon the property in accordance with the provisions of this Charter.

In making improvements under this Section the Council shall determine and designate the character of the improvement and the materials to be used, notwithstanding the petitioners may have designated a particular kind of material in their petition; and in any one street there shall be a uniformity of the character of the improvement and the kind or class of materials used.

### Section 13. Vacation of streets.

Whenever the corporation shall determine that any street or thoroughfare or part thereof, within the limits of the Town, is unnecessary, and should be vacated, the proceeding for vacating shall be as follows:

The corporation shall submit to the Superior Court of Sussex County, or to any Judge thereof resident in Sussex County, a petition setting forth with particularity the street or thoroughfare, or part thereof, sought to be vacated, and the name or names of the owner or owners of land abutting thereon. The petition shall be signed by the Mayor, attested by the Town Clerk and with the seal of the corporation affixed thereto.

Notice of the intended application shall be given in writing to the abutting owners of property at least five (5) days before the application is made stating the day, hour and place, and if the owner is unknown or without the State or under legal dis-

ability and having no legal representative in the State, such notice shall be published in a newspaper in the Town of Laurel at least five (5) days prior to the intended application.

The Court, or Judge, upon presentation of the petition and proof of notice, shall make an order appointing a Commission of three (3) suitable persons to view the street or thoroughfare, or part thereof, sought to be vacated, and make return to the Court or Judge on a day and hour stated in the Order.

The direction in the Order shall be that if it be determined that the street or thoroughfare, or part thereof, is unnecessary and ought to be vacated the Commission shall so determine and report who shall enclose the same, or any part thereof, what portion of the costs the abutting owners shall pay, and the damages to abutting owners, if any.

If the Commission shall report that the street or thoroughfare, or part thereof, should be vacated, the Court or Judge shall enter an Order of Vacation, and shall state therein the time within which the damage, if any be awarded, shall be paid, and who shall enclose the street or part of the street so vacated.

At the return day of the Order any abutting owner who shall be dissatisfied with the award of damage may by petition pray an appeal, and thereupon the Court or Judge shall fix a day for hearing upon the claim for damage, at which time evidence shall be heard, view of the premises taken if necessary, and all pertinent facts presented to the Court or Judge; and the Court or Judge shall award such damage, or no damage, as the evidence shall warrant. The corporation may accept the award of damage if any be made, either by the Commission or Court or Judge, or may abandon the proceeding.

The cost of the proceeding to vacate shall be paid by the Town. If an appeal be taken, the costs incident to the appeal shall be paid by the appellant, unless damages be awarded or increased, or the proceeding be abandoned, in which case the costs shall be paid by the Town.

If the person to whom damage shall be awarded shall refuse to accept the award the Town shall deposit the amount of the

award to the credit of such person in any bank or trust company in the Town of Laurel.

The Petition, Order, return and other records shall be filed in the Office of the Prothonotary for Sussex County.

#### **Section 14. Paving and curbing powers.**

The corporation is empowered to compel the paving or repaving, and the curbing or recurbing of streets at the expense of the adjoining or abutting owners of property; and, upon the written petition of five (5) or more freeholders of the Town, or at the direction of the Council, the Town Clerk shall direct in writing the owner of any real estate in the Town of Laurel before, along, in front of, or adjoining which a pavement is desired to be laid, to curb and lay a pavement, or either or both, of such materials and of such length, width and thickness as may be specified. The notice shall give other necessary and proper information and directions for the performance of the work, the time for the completion thereof and that the curb and grade lines will be furnished upon application of the owner.

If any owner of property shall neglect or refuse to comply with the notice for the space of thirty (30) days the corporation may proceed to have the work done, and when completed the Town Clerk shall present to the owner of said land a bill showing in detail the expense of such paving or curbing, or either, or both. If the owner shall not reside in the Town of Laurel such bill may be presented to the occupier or tenant of the property or, if there be no occupier or tenant, the bill may be sent by mail to the owner directed to him at his last known post office address. If the bill be not paid within thirty (30) days after the date of presentation or sending, the corporation may issue a warrant under the hand of the Mayor and under the corporate seal directed to the Town Clerk commanding him that of the goods and chattels of such owner he shall cause to be levied and made the amount of the bill, together with all costs, and it shall then be the duty of the Town Clerk after ten (10) days notice to the owner to proceed to sell the goods and chattels, or a sufficient part thereof, as may be necessary to pay the amount of the bill together with all costs; or the Council may direct the Town Clerk to bring suit for the recovery of such amount before any Court of competent jurisdiction.



The amount of the expense and all costs and penalties as may be provided, with interest, shall constitute a lien upon all the real property of the owner situated within the limits of the Town, and shall be subject to any lien or incumbrance suffered or made by the owner prior to the commencement of the work.

If any property shall be held or owned by a widow as tenant in dower or by any life tenant, the expense incurred under this Section shall be paid by the owner of the reversion in fee simple.

**Section 15. Borrowing of money and issuance of Bonds.—  
Limitation of bonded indebtedness.**

The corporation may borrow money, and to secure the payment thereof, is empowered to issue bonds, or other kinds or forms of certificate or certificates of indebtedness pledging the full faith and credit of the municipality, or such other security as the Council shall elect, for the payment of the principal and interest thereof; and all bonds or other forms of certificates of indebtedness or security so issued shall be exempt from all State, County or Municipal taxes.

The power to borrow money shall be exercised to provide funds for or to provide for the payment of any of the following purposes:

(1) Refunding outstanding bonds or other indebtedness of the Town at the maturity thereof, or in accordance with any callable provision contained therein.

(2) Meeting or defraying current annual operating expenses of the Town in an amount equal to but not in excess of currently outstanding due and unpaid taxes, water rents, sewer service charges, license fees or other charges due the Town and available when paid, for meeting or defraying current annual operating expenses of the Town.

(3) Erecting, extending, enlarging, maintaining and repairing any plant, building, machinery or equipment for the manufacture, supplying or distribution of gas, water, electricity, sewer or drainage system, sewage disposal plant, or any of them, and the condemning or purchasing of any lands, easements and rights of way which may be required therefor.

(4) Constructing, paving, laying out, widening, extending, repairing and maintaining streets, lanes, alleys and ways and the constructing, extending, repairing and maintaining, curbing and guttering along the same, and the condemning or purchasing of any lands, easements or rights of way which may be required therefor.

(5) Constructing, extending, repairing and maintaining sidewalks, crosswalks, bulkheads, piers and wharves, or any of them, and the condemning or purchasing of any lands, easements or rights of way which may be required therefor.

(6) Defraying the costs of the Town or any other municipal improvement provided for or authorized or implied by and under the provisions of this Charter.

Where the power to borrow money and to issue bonds or certificates of indebtedness is sought to be exercised for the purpose of refunding any or all outstanding bonds or other indebtedness of the City at a rate of interest equal to or less than the indebtedness sought to be refunded, and in all instances provided for in subparagraph (2) above, it shall not be necessary to call a Special Election to secure approval of such borrowing.

In all other instances the power to borrow money and to secure the payment thereof for any other purpose or purposes above specified shall be exercised only in the following manner:

The Council shall adopt a resolution proposing to the taxables of the Town that money be borrowed for any of the above named purposes. The resolution shall plainly set forth the following matters:

(1) The maximum amount of money proposed to be borrowed.

(2) The maximum rate of interest proposed to be paid.

(3) The manner in which it is proposed to be secured.

(4) The manner in which it is proposed to be paid, or funded, or both.

(5) A description of the purpose or purposes for which the money shall be used which shall include the estimated cost of carrying out the purpose.

(6) A statement of the time and place for a public hearing upon the resolution, at which the Council shall vote upon the final authorization of the loan.

It shall be the duty of the Town Clerk to give notice of the time and place of such public hearing upon the resolution by publishing a copy of the resolution in at least one issue of a newspaper published in the Town of Laurel at least one week before the time fixed for the hearing, and by posting copies thereof in five public places throughout the Town at least one week before the time fixed for the hearing.

At the time and place stated in the notice, the Council shall sit in public session, and at such public session or an adjourned session thereof, shall vote upon a resolution giving its final authorization for the loan. If such resolution shall be adopted by the Council, then the Council shall pass a second resolution ordering and directing that a Special Election be held in the Town of Laurel not less than thirty (30), nor more than sixty (60) days after the date of the hearing and passage of the resolution authorizing the loan.

The Town Clerk shall give notice of the time and place for holding the said Special Election to all the taxables of the Town of Laurel by posting notices thereof in five public places in the Town at least two weeks prior to the day fixed for such Special Election, and by publishing a copy of such notice once each week for at least two weeks prior to the day fixed for holding the Special Election. Such notice shall contain the same information with respect to the borrowing of money as is required to be contained in the original resolution proposing the borrowing, excepting a statement of the time and place for the public hearing upon the resolution.

The Special Election shall be conducted by an Election Board whose members shall be appointed or selected in the same manner and they shall have the same qualifications as herein provided in the case of General Municipal Elections of the Town.

At least five (5) days prior to the date of the Special Election, the Council shall cause to be prepared, printed and have available for distribution, a sufficient number of ballots, upon one-half of which shall be printed the words, "FOR THE PROPOSED BORROWING" and upon one-half of which shall be printed the words "AGAINST THE PROPOSED BORROWING".

At such Special Election every taxable of the Town of Laurel, who shall not be in arrears in payment of taxes for ten days prior to the day of the Election, shall be entitled to one vote for every dollar and fractional part of a dollar of tax paid, or to be paid by him, according to the last annual assessment of property. Where a given property is owned by more than one person, each parcener shall be entitled to cast as many votes as his interest in the property is related to the total number of votes which may be cast in the name of all the owners of such property, provided that where property is owned by husband and wife as tenants by the entireties, either the husband or the wife may cast the entire vote representative of the tax paid upon such property, depending upon which shall first present himself or herself at the polling place.

The Inspector of the Election shall deposit all ballots in the ballot box provided for the purpose and in the presence of the persons casting the ballot, the Inspector first writing upon the outside of the ballot the number of votes being cast by the person casting the ballot.

The Town Clerk shall attend the Special Election with his books and records showing persons in arrears in the payment of taxes.

Immediately upon the closing of the polls the Election Board shall count the votes FOR and AGAINST the proposed borrowing, shall announce the result thereof publicly and shall make a certificate under their hands of the number of votes cast FOR and AGAINST the proposed borrowing and shall deliver such certificate in duplicate to the Council. One copy of the certificate shall be entered in the minutes of the Council at its next meeting, and the other copy shall be filed with the Town Clerk.

The form of the bonds or certificates of indebtedness, and the attached coupons, if any, the time or times of payment, the time or times of the payment of interest, the rate of interest, the classes, the series, the maturities, the registration, any callable or redeemable provision, the denomination and name and other relative or pertinent matters shall all be determined by the Council. The bond or bonds or certificates of indebtedness shall be offered for sale to the best and most responsible bidder therefor after advertisement in a newspaper published in the Town of Laurel and otherwise, if the Council shall deem it necessary, for at least fifteen (15) days before offering them for sale; provided, that money may be borrowed to meet current expenses as hereinbefore provided, at public or private sale without first advertising the offer of any such bonds or certificates of indebtedness for sale.

All bonds or certificates of indebtedness forming the single issue need not be offered for sale at a single sale, but any given issue of bonds or certificates of indebtedness may be advertised and sold in whole or in part, from time to time, until the entire authorized issue be disposed of.

The Council shall provide in its budget, and in the fixing of the tax rate or otherwise, for the payment of the principal of the bonds or certificates of indebtedness at the maturity thereof, together with the interest due or which may become due thereon, and in a proper case, shall also provide a sinking fund therefor.

Unless the bonds or certificates of indebtedness shall otherwise provide, the faith and credit of the municipality shall be deemed to be pledged for the due payment of any bond or certificate of indebtedness and interest thereon according to its terms, when and after the same has been duly and properly executed, delivered and value received therefor.

In no event shall the indebtedness of the Town of Laurel, for any and all purposes, at any one time exceed, in the aggregate, fifteen percentum of the assessed value of all real property situated within the limits of the Town, and subject to assessment for the purpose of annual taxation.

**Section 16. Security for bonded indebtedness.**

In all instances whereby prior Act of Legislature authorizing the borrowing of money and the issuance of bonds, sewer service charges, water rentals or other municipal income has been pledged or devoted to the due payment of interest or the principal and interest on the bonds or the creation of a sinking fund for the redemption thereof, such charges, rentals and income shall not be used, expended, applied or disbursed for any other object or purpose while the bonds, or any part thereof, shall remain unpaid.

**Section 17. Nomination of candidates for office.**

The nomination of candidates for elective offices shall be by petition.

Every aspirant for the office of Mayor, Councilman-at-large and Councilman, or someone in his behalf, shall, at least ten (10) days before the day of the biennial municipal election file with the Town Clerk a nominating petition. The nominating petition for the office of Mayor shall be signed by at least thirty (30) qualified voters of the Town; for the office of Councilman-at-large by at least twenty (20) qualified voters of the Town; and for the office of Ward Councilman, by at least fifteen (15) qualified voters of the Ward. No signature shall be counted if it shall be on the petition of more than one candidate for the same office.

The form of the nominating petition shall be substantially as follows:

We, the undersigned, qualified voters of the Town of Laurel (or qualified voters of Ward Number.....), hereby nominate .....for the office of....., to be voted for at the Regular Municipal Election to be held on the second Tuesday in March in the year.....; and we individually certify that we are qualified to vote for a candidate for the office named at such Election.

The Council shall be the judge of the sufficiency of the petitions and of the candidate's nominating petition, and within

three days after the last day for the filing of petitions, the Council shall sit in open meeting to judge the qualifications of candidates and the sufficiency of the petitions;

Notice of the day, hour and place of the sitting of the Council shall be advertised in a newspaper published in the Town at least one week before the day of the sitting of the Council.

**Section 18. General municipal elections—Qualifications of voters.**

The general election for all municipal officers to be elected hereunder shall be held biennially on the second Tuesday in March between the hours of twelve o'clock noon, and six o'clock in the afternoon, Eastern Standard Time or Daylight Saving Time, whichever shall be in force at the time of the election.

The place of election shall be at the Municipal Building unless, for sufficient cause, some other public place shall be designated by the Council.

Due notice of the time and place of the election and of the offices to be filled and the candidates therefor, including the number of the Ward in which the candidate for Councilman-at-large shall reside, shall be given by advertisement in a newspaper published in the Town of Laurel, and by posting notices in five of the most public places within the corporate limits of the Town not less than one week before the day of the election.

Every person, male or female, above the age of twenty-one years, who shall have been a bona fide resident of the State of Delaware at least one year and a bona fide resident within the corporate limits of the Town for at least three months immediately preceding the election, and who shall have paid all property or poll taxes levied or assessed against him or her at least ten days before the day of the election, not counting the day of the election, shall be eligible to vote.

The Town Clerk shall attend the election with a list of all persons whose personal or poll tax shall not have been paid at least ten days before the day of the election, and such persons

shall not be entitled to vote unless he or she shall produce a receipt for taxes paid at least ten days prior to the day of election.

The election shall be by ballot, the form of which shall be prescribed by the Council. If more than one person residing in the same Ward shall become candidates for the office of Councilman-at-large, the qualified voter of the Town shall be entitled to vote for only one of the candidates, so that no one Ward of the Town shall be represented by more than two Councilmen. The number or numbers of the Ward in which the said candidate for the office of Councilman-at-large shall be designated on the ballots, which shall contain a direction to vote for one of the candidates only, and a direction to indicate the choice of the voter. A ballot containing the names of more than one of the said candidates for said office shall not be counted.

The Town Clerk shall provide all ballots, ballot boxes, poll books, tally sheets, certificates, blanks and other necessary stationery, and all booths and arrangements necessary and proper for conducting the election.

The election shall be held under the supervision of an election board, which shall consist of one inspector and two judges, all of whom shall be qualified voters of the Town, and shall be appointed for that purpose by the Mayor with the approval of a majority of the Council at least two weeks before the election. If, at the opening of the polls, there shall not be present the three members of the Board, or any of them, the persons qualified to vote at the election and then present at the opening of the polls shall select, viva voce, a qualified voter or voters to act as a member or members of the election board. The Board shall be the judges of the election and shall decide upon the legality of the votes offered. The board shall keep a true and accurate list of all voters voting.

All votes shall be offered in person; and if a majority of the board shall not be satisfied that any person offering to vote possesses the qualifications of a qualified voter as prescribed herein, the Board shall receive the ballot and shall not count it, and shall return it in a separate package to the Council with the name of the person presenting the ballot.



Upon the close of the election, the votes shall be read and counted publicly and the person having the highest number of votes for each office shall be declared to be duly elected, and such persons shall continue in office during the term for which they were chosen, or until their successors shall be duly elected or appointed and qualified.

The board shall enter in a book to be provided for that purpose a minute of the election containing the names of the persons chosen. They shall subscribe the same, and shall make and deliver to the persons elected certificates of their election. The book containing such minutes shall be preserved and shall be evidence in any Court of law or equity.

If two or more candidates for the office of Councilman or for Mayor shall receive an equal number of votes so that there shall not be an election of a Mayor or Councilman, the election board shall determine the tie by lot.

**Section 19. Organization meeting of the council—President of council.**

The Council shall meet for organization in the municipal building at 7:30 o'clock P. M. on the first Tuesday in April following the biennial municipal election, at which time officers elected at said election shall assume their several offices, first taking and subscribing the oath of office.

The Council shall elect one of their number to serve as President of the Council for a term of two years, and a temporary Secretary.

At this meeting, or at an adjourned meeting, the Council shall, by a vote of a majority of the members, approve the appointments to office submitted by the Mayor; and may transact such other business as may be necessary or proper.

**Section 20. Regular meetings of council.**

Regular meetings of the Council shall be held in the Municipal Building, at such time or times, as the Council shall determine by ordinance or resolution.

All meetings of the Council shall be public, except during such time as the Council shall deem it advisable to discuss any matter in executive session; but no vote or ballot shall be taken upon any question or matter except in open session.

#### **Section 21. Special meetings.**

Special Meetings of the Council may be called at any time by the Mayor, and shall be called in like manner upon request in writing of two members of the Council. The objects and purposes of any Special Meeting shall be set forth in the call therefor, and notice of the day, hour and purpose of the meeting shall be given to each member of the Council in writing at least two days before the day fixed for the meeting.

When a Special Meeting shall be held, the call for such meeting shall be set out in full on the journal, and no business other than that stated in the call shall be transacted at such meeting except by unanimous consent.

#### **Section 22. Oath of office.**

The Mayor, members of Council, Town Clerk, members of the Board of Assessment, the Alderman, and other officers or employees of the Town, if required so to do by ordinance or resolution of the Council, shall be severally sworn or affirmed to support the Constitution of the United States, the Constitution of the State of Delaware, and to perform the duties of office with fidelity. The oath of office may be administered by the Mayor, a Notary Public or a qualified member of the Council, and a minute of the oath so taken shall be entered upon the records of the Council.

#### **Section 23. Mayor.**

The general executive power of the corporation is vested in the Mayor.

He is constituted a conservator of the peace within the limits of the Town, and it shall be his duty to cause the laws of the State and the ordinances of the Town to be enforced.

He shall see that all contracts and agreements made with the corporation, or for its use and benefit are performed; and, with the approval of the Council, he shall cause such legal and equitable proceedings as may be necessary to be instituted and prosecuted by the Town Solicitor; and he shall have such other powers as may be imposed upon him or granted to him herein, or by ordinance.

He shall have the custody of the seal of the corporation and the sole right to affix it to any paper or document required to be sealed. He shall, as Mayor, sign all deeds, bonds, licenses, contracts, agreements and other documents for and on behalf of the corporation; and he may revoke any license granted after due hearing and with the approval of a majority of the members of the Council.

It shall be the duty of the Mayor to communicate to the Council at least annually a statement of the finances and general condition of the corporation, together with such information and recommendations as may be necessary and proper, or which the Council may require.

He shall, on or before the organization meeting of the Council in April, appoint the Town Clerk, Town Solicitor, Alderman, Board of Health, Board of Assessment, Chief of Police and assistants or subordinates, Chief of the Fire Department and assistants or subordinates, and such other officers of the corporation as may be provided herein or by ordinance of the Council, subject, however, to the approval of a majority of all of the members thereof; and the persons so appointed shall hold the several offices until the expiration of the term of office of the Mayor making the appointments, unless sooner removed as is herein provided.

If the Mayor shall be temporarily absent from the Town, or temporarily unable to discharge the duties of the office, the office shall be administered by the President of the Council, provided, however, that the President of the Council shall not have the power to appoint to or remove from office unless the absence or inability of the Mayor shall continue for more than thirty days.

**Section 24. Town clerk.**

The Town Clerk shall not be a member of the Council. He shall give corporate bond to the corporation in an amount fixed by it conditioned for the faithful performance of his duties, the payment to the Town of all money coming into his hands as Town Clerk from whatever source derived, and in the event of death, resignation or removal from office, the delivery to his successor of all papers, books, records and other property of the Town in his hands or under his control.

The expense of the bond shall be paid by the Town.

He shall receive as compensation for his services an annual salary to be fixed, from time to time, by ordinance or resolution of Council, payable in equal weekly installments.

He shall attend all meetings of the Council and act as Secretary thereof, keeping proper and adequate minutes of its acts and proceedings; and he shall be in attendance at his office on such days and between such hours as may be directed by ordinance or resolution of the Council.

He shall keep a record of all officers, agents and employees of the Town, when elected or appointed, the term of office or employment, if a term be fixed, and the salary or compensation thereof.

He shall keep the assessment books and tax records of the Town with the names of the taxpayers arranged alphabetically showing the capitem tax, a short description and assessed value of each parcel of real estate and a short description of each item of personal property assessed, if any. He shall also keep and maintain proper books and records showing the names of persons charged with water rentals or sewer service charges and detailed account thereof.

He shall collect all taxes, license fees, water rentals, sewer service charges, parking meter payments and all other money due to be paid to the Town under the provisions of this Charter, or as prescribed by ordinance or resolution of the Council; and he shall keep separate, full and accurate accounts of all money received and due to be paid to the Town.

He shall keep full and accurate accounts of all money paid out for or on account of the Water Department, Sewer Department and other departments and agencies of the Town together with proper vouchers.

He shall act as treasurer of the Town, and shall promptly deposit in such bank or trust company doing business in the Town as may be designated as depository by ordinance or resolution of Council all money received by him, and, as directed by ordinance or resolution, keep and maintain separate accounts of moneys received from taxes, water rentals, sewer service charges, parking meter charges, or otherwise.

At a regular monthly meeting of the Council he shall be prepared to render to the Council a true and detailed account of all money collected or received by him in the performance of his duties, and of all moneys disbursed for and on account of the Town and its agencies and departments; and all books, records and documents showing the receipt and disbursement of money shall be open to inspection by the Mayor and any member of Council at any time.

At least thirty (30) days prior to the biennial municipal election he shall prepare and post in his office a list of all taxables who are then in arrears in the payment of taxes.

He shall perform such other duties as may be provided by this Charter, or as prescribed by ordinance or resolution of the Council.

#### **Section 25. Town solicitor.**

The Town Solicitor shall be a member of the bar of the State of Delaware with offices in Sussex County. It shall be his duty to give legal advice to the Mayor, the Council and other officers of the Town, and to perform such other legal services as may be required of him. He shall be paid an annual retaining fee to be fixed by the Council and reasonable fees and charges for his services.

#### **Section 26. Alderman.**

The Alderman shall have his office in some convenient place within the limits of the Town.

It shall be his duty to execute all ordinances and resolutions enacted for the government of the Town and the directions of the Council made in pursuance of any law of the State.

He shall have all the powers of a Justice of the Peace within the Town, and jurisdiction over and cognizance of all breaches of the peace and other offenses committed within the Town so far as to arrest and hold to bail, or to fine and imprison offenders, and also of fines, forfeitures and penalties prescribed and imposed by any law of this State or by ordinance duly enacted; provided, that he shall impose no fine in excess of One Hundred (\$100.00) Dollars, or a term of imprisonment of more than thirty (30) days.

He shall also have all the power and jurisdiction of matters of civil nature as are vested in Justices of the Peace of Sussex County in such matters as the Town is interested, with the same limitation in amount of claim as is imposed upon Justices of the Peace, and with the same right and procedure of and upon appeal.

His fees for any service as Alderman shall be the same as those of a Justice of the Peace for like services and for any service for which no fee is prescribed by law, the fee may be established by ordinance.

A vacancy in the office of Alderman for any cause shall be filled by the Mayor for the residue of the term.

Upon the expiration of term of office, or upon removal from office, or upon death while in office he or his executor or administrator, shall within one week after the appointment of a successor, deliver to the successor all books, records and documents belonging to the office, and pay to the Town Clerk all money belonging to the Town within ten days; and neglect or failure to make such payment shall constitute a misdemeanor punishable by a fine not exceeding one hundred (\$100.00) dollars; and he, or his estate shall be liable in a civil action for the amount of money due to be paid to the Town.

The Alderman shall pay to the Town Clerk all fines and penalties not later than thirty (30) days after the receipt there-

of, and default in making such payment shall constitute cause for removal from office. He shall report to the Council at least monthly all fines and penalties received by him during the preceding month, and the report shall be compared with the reports made to the Town Clerk and adjusted and corrected.

#### **Section 27. Prosecutions.**

All prosecutions for the violation of ordinances, rules, orders and regulations of the Town shall be before the Alderman, or before any Justice of the Peace of the State of Delaware, resident in the Town of Laurel, and shall be in the name of the State of Delaware upon complaint of Mayor and Council of Laurel.

#### **Section 28. Board of health.**

A Board of Health shall consist of three members, residents in the Town of Laurel one of whom shall be a practicing physician with offices in the Town. The Board shall organize by the election of one of its members as president, and one as secretary. The secretary shall keep the minutes of the Board and shall perform such duties as may be assigned to him. He shall be the executive officer of the Board for which he shall receive such compensation as may be fixed by the Council.

The Board of Health shall have cognizance of all matters relating to the health and sanitation of the Town. It shall make such recommendations to Council as may be necessary and proper to safeguard the health of the people of the Town and its sanitation; and it shall be subject to all the laws of the State of Delaware relating to local Boards of Health.

#### **Section 29. Fire department.**

The Fire Department of the Town shall consist of a Chief of the Department and such other assistants and subordinates as may be determined by the Council. The Council shall fix, from time to time, the salaries or other compensations of the members.

The Council, in consultation with the Chief of the Department, shall make and establish all rules and regulations for the management and control of the Department; and subject to such

rules and regulations the Chief of the Department shall have charge and control of the Department and of all machinery and equipment belonging thereto. He shall put into effect such proper system of fire alarms as may be established; and he shall inspect, from time to time, the equipment of the Department and make report to the Mayor any defect in or lack of equipment.

On or before the first day of April in each year he shall submit to the Mayor, who shall lay it before the Council, a report of the number of fires occurring during the preceding year and the causes thereof, if ascertainable, the number of fires attended whether occurring within or without the limits of the Town, and he shall make such recommendations for the betterment of the Department as he may deem necessary or proper.

#### **Section 30. Police.**

The police force of the Town shall consist of a Chief of Police and such other members or subordinates as the Council may, from time to time, determine.

Rules and regulations for the organization and government of the police force and the salaries and compensations of its members shall be made by the Council by ordinance or resolution.

The Chief of Police and other members of the police force shall be conservators of the peace, and within the limits of the Town and within one mile thereof, shall be vested with all the powers and authority of a constable of Sussex County, and in the case of a pursuit of an offender their power and authority shall be within the territorial limits of the State of Delaware.

It shall be the duty of the members of the force to preserve peace and good order and compel obedience, within the limits of the Town, and within one mile thereof, if necessary, to the ordinances of the Town and the Laws of the State of Delaware.

Persons sentenced to imprisonment for the violation of ordinances of the Town shall be delivered to the County Jail of Sussex County, or to the lock-up or jail of the Town, there to be imprisoned for the term of the sentence.



and issuance of bonds shall be followed with the necessary and appropriate changes as to detail. The first resolution of the Council shall set forth the annual fixed charges and expenses of the Town, the maximum amount of money allowed annually to be raised for general municipal purposes, the facts and circumstances making necessary an increase of such maximum amount of taxes and the maximum amount proposed to be raised.

If, after public hearing, it shall be determined to proceed with the proposal, an ordinance or resolution shall be adopted providing for a special election to be called, held and conducted as provided in Section 15 hereof, and with the same voting qualifications and privileges. The ballot shall be in the same form except the words "Increase of Taxation" shall be substituted for the word "Borrowing".

If the proposal shall be approved at such Election, this Charter shall be deemed and taken to be amended in respect to the maximum amount of money to be raised annually for general municipal purposes.

#### **Section 35. Board of assessment.**

On or before the first day of February in each year, the Mayor shall appoint a Board of Assessment to consist of two bona fide residents of the Town.

The members of the Board, before entering upon their duties, shall take and subscribe an oath or affirmation to perform their duties with fidelity and without favor.

It shall be their duty to make a fair and impartial assessment of property and persons subject to taxation, and to perform such other duties in relation to the assessment and valuation of property and persons as shall be prescribed by the Council.

The members of the Board shall receive such compensation for their services and expenses as shall be fixed by the Council.

#### **Section 36. Assessment of taxes—Appeals.**

The Board of Assessment shall annually, prior to the first Monday in April, make a just, true and impartial assessment of

valuation of all real property, or interest therein, within the boundaries of the Town. In making such assessment, the rules and exemptions now applicable by the law to the making of County assessments of property and persons shall be applicable insofar as they may be consistent with the provisions of this Charter.

All real property shall be described with sufficient particularity as to be readily identified, and shall be assessed to or listed in the name of the owner if known. If the owner is not known or cannot be ascertained, the property shall be assessed to "owner unknown". A mistake in name or an incorrect name, or an assessment to "owner unknown" shall not affect the validity of the assessment, provided the assessment shall designate the last record owner as it shall appear in the records in the Office of the Recorder of Deeds for Sussex County.

The Board of Assessment shall also make a personal assessment of all citizens of the Town above the age of twenty-one (21) years. The personal or per capitum assessment shall be determined by the Council and certified to the Board of Assessment.

The assessment list shall distinguish between the real and personal assessment of each taxable, and shall be so arranged that the real estate, improvements thereon, and the per capitum assessment shall be in separate columns.

The real property of the members of the Board of Assessment shall be assessed by the Council.

The Board of Assessment shall make, certify and deliver to the Council three copies of the assessment list as prepared by them. One of the copies shall be posted at the municipal building, and one at the post office in the Town, if that be allowed, otherwise in some public place in the Town as the Council may determine, there to remain until after the final session of the Court of Appeal.

There shall be appended to the copies of the assessment list so displayed a notice that upon a stated day, not earlier than ten (10) days after the posting of the assessment list, from two

o'clock P. M. until six o'clock P. M., the Council will sit as a Court of Appeal for the hearing of appeals from the Assessment list, and the revision and completion thereof. Like notices shall be posted in at least six other public places in the Town, and published at least once in a newspaper in the Town.

On the day and within the hours stated in the notices, the Council shall sit as a Court of Appeal to hear appeals of taxables, and to revise and complete the assessment lists; but no assessment of property shall be raised except upon notice to the taxable affording an opportunity to be heard.

A majority of all the members of the Council shall constitute a quorum of the Court of Appeal and its decision shall be final and conclusive.

The session of the Court of Appeal may be adjourned or continued, from time to time, until all appeals shall have been heard and determined, and the assessment list revised and completed.

The members of the Board of Assessment shall attend the session of the Court of Appeal and shall furnish the Court with such information as may be required of them.

No member of the Council shall sit upon his own appeal, but such appeal shall be heard and determined by the other members of the Court.

Upon the revision and completion of the assessment list the Town Clerk shall cause to be made a true copy thereof, showing in detail the separate and aggregate assessment of each taxable, arranged alphabetically and certified under the hand of the President of the Council, which shall be open to inspection by any taxable of the Town.

### **Section 37. Levy of taxes.**

At the first regular meeting of the Council in May of each year, the Council shall determine the total amount of money to be raised by taxation of property, from per capita taxes, and other sources wherewith to pay and discharge all fixed and

anticipated expenses and obligations of the Town, including reasonable reservations for the current fiscal year as set forth in the annual budget, plus a reasonable amount to cover unanticipated expenses and emergencies, the amount to be raised by taxation of real estate not to be in excess of the maximum allowed to be raised by taxation for general municipal purposes and interest and sinking fund requirements of bond issues.

The Council shall fix and determine:

(a) The rate of tax on real estate for each One Hundred (\$100.00) Dollars of assessed value;

(b) The poll or capitation tax;

(c) The rate of tax on poles, lines and constructions of utilities, mains and conduits, if it be determined to assess and tax such property;

(d) The amount of license fees or charges for carrying on businesses, occupations and professions in the Town, if it shall be determined to establish such license fees or charges;

(e) The several rates for supplying water, sewer service and other utility services and the several amounts thereof.

The Town Clerk shall, thereupon, under the direction of the Council, calculate and enter into a book to be known as the annual tax ledger, the separate and aggregate amounts of property taxes, poll taxes and assessments upon poles, lines and construction, mains and conduits, if any.

Upon the completion of the tax ledger, there shall be endorsed thereon a direction to the Town Clerk, signed by the President of the Council, to collect the taxes and charges as shown thereby.

### Section 38. Collection of taxes.

Taxes shall be due and payable on or before the first day of July in each year. A discount of three percentum shall be allowed on all payments made on or before the first day of July.

No discount shall be allowed on payments made after the first day of July. After the first day of October taxes due the Town shall be deemed to be in arrears, and shall bear interest at six percentum per annum from the first day of July until the day of payment. As against persons subject to capitation tax only, a penalty of twenty-five cents shall be imposed on payments after the first day of October in lieu of interest.

As soon as the annual tax ledger shall have been completed and certified, the Town Clerk shall send to each taxable a detailed and itemized statement of taxes due, and the statement shall contain the information that taxes are due and payable on or before the first day of July, the discount to be allowed and penalty or interest to be charged for non-payment.

The Town Clerk shall note in the tax ledger the date of each payment, discount allowed, or interest or penalty charged, and likewise upon each tax receipt given by him the same notation shall be made.

The Town Clerk, promptly, and at least each week, shall deposit to the credit of the Town all taxes and other money received by him, in a banking institution located within the limits of the Town. He shall be prepared, upon the request of the Council, to produce all papers and documents relative to the deposits of money and the sources of revenue.

After the first day of October the Town Clerk is authorized and empowered to collect unpaid taxes in the manner authorized by this Charter; but before instituting any proceedings for the collection thereof, he shall give to the delinquent taxable by mail addressed to his last known post office address, a statement of the assessment of the taxes, the aggregate amount due with interest thereon, unless the Town Clerk shall have reasonable cause to believe that immediate action is necessary.

### **Section 39. Remedies for the collection of taxes.**

The Town Clerk may pursue any of the remedies for the collection of taxes now or hereafter given and afforded the Receiver of Taxes and County Treasurer of Sussex County, and the provisions of the Laws of the State of Delaware for the col-

lection of taxes as they relate to the Receiver of Taxes and County Treasurer for Sussex County are incorporated herein by reference thereto, with necessary changes as to detail, except as otherwise provided herein.

Any action or proceeding for the recovery of taxes shall be in the name of "....., Town Clerk".

The Town Clerk shall be allowed the following fees:

For each sale of personal property \$3.00

For each sale of real estate \$5.00

and he shall also be allowed such additional expenses of sale as may be approved by the Court. The expense of the deed shall be paid by the purchaser.

The residue of the proceeds of sale of real or personal property for taxes and other charges due, after the payment of such taxes or charges and the necessary expenses and costs, shall be deposited in one of the banking institutions of the Town to the credit of the taxable or owner of such property, if the person to whom the said residue may be due shall refuse to accept the money and give a receipt therefor.

The corporation is authorized and empowered to employ a person to bid for it at the sale of any property sold for the collection of taxes or other charges and to become the purchaser at such sale.

#### Section 40. Lien of taxes.

Taxes levied on property and persons shall be a lien on the real estate of the taxable within the limits of the Town of which the taxable was seized at any time after the date of the levy of the tax in the month of May; and such lien shall have priority over any other lien on the real estate of the taxable in the Town although such other lien be of a prior date. The lien shall remain for two years from the date of the tax levy; but if the real estate shall remain the property of the person who owns it at the time of the tax levy, the lien shall remain until the tax is paid.

#### **Section 41. Tax settlement.**

In the month of May following the date of the certification of the annual tax ledger, the Council shall fix a day and hour for settlement of taxes with the Town Clerk. The Council shall allow to the Town Clerk all taxes which shall have been found impossible to collect by reason of error in the assessment list or for other reasonable cause, but no allowance shall be made for taxes not collected due to the delay or other default of the Town Clerk.

The settlement shall be final and conclusive, and no other allowance shall be made to the Town Clerk; and upon the conclusion of the settlement the Town Clerk shall forthwith pay to the corporation the aggregate of the amount of the taxes found to be due and owing. Upon his failure or neglect so to do, the corporation shall proceed to collect the amount found to be due from the Town Clerk, or his surety.

Default by the Town Clerk in any amount shall be a sufficient reason for dismissal from office; but the Council for good cause shown may extend the time for final settlement for a period not exceeding six (6) months.

#### **Section 42. Water commissioner.**

The Mayor, subject to confirmation by the Council, shall appoint a suitable person as Water Commissioner, for a term coincident with that of the appointing Mayor, and at a salary to be fixed by the Council. The Water Commissioner shall give bond to the corporation in such amount as the Council shall determine.

The management and operation of the Water System of the Town are vested in and imposed upon the Water Commissioner subject to such proper rules and regulations as may be established by the Council, including the countersigning of all checks drawn by the Town Clerk for money paid on account of the Water Department; provided, however, that the Water Commissioner shall make no purchase of materials, nor obligate the corporation in any manner for an amount exceeding One Hundred Dollars (\$100.00) without the approval of the Council.

**Section 43. Annual audit.**

The Council shall provide annually, or more often if it is deemed necessary, for the examination and audit of all the books, accounts and records of the several officers, departments, bureaus and employees of the Town.

**Section 44. Limitation of actions.**

No action or proceeding shall be brought against the corporation for damages resulting from negligence of the corporation, its officers, agents or employees, unless the claimant shall, within ninety days from the time the cause of action arose, notify the corporation in writing of the time, place, nature and extent of the injuries sustained or damages suffered.

**Section 45. Act—Effective when.**

This Act shall become effective on the first day of July, A. D., 1953.

Section 46. All acts in conflict with the provisions of this Charter, or inconsistent with the provisions hereof, are repealed.

Approved July 7, 1953.



## CHAPTER 278

## RELATING TO ABSENTEE VOTING

**AN ACT TO AMEND TITLE 15, DELAWARE CODE OF 1953,  
ENTITLED "ELECTIONS" IN RESPECT TO ABSENTEE  
VOTING AT GENERAL ELECTIONS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 5501, Title 15, Delaware Code of 1953 is amended to read as follows:

**§ 5501. Purpose of chapter**

The intention of this chapter is that only a qualified elector may vote under the provisions of this chapter, who may be absent on the day of any general election from the county in which he may be registered, because of service in the Armed Forces of the United States or in the public service of this State, or because of his business or occupation; or because of personal sickness or disability, cannot appear at the polling place in his election district on the day of any general election.

Section 2. § 5502, Title 15, Delaware Code of 1953 is amended to read as follows:

**§ 5502. Ballot defined**

As used in this chapter—

"Ballot" means the official ballot as defined in chapter 45 of this title.

Section 3. § 5503, Title 15, Delaware Code of 1953 is amended to read as follows:

**§ 5503. Persons eligible to vote by absentee ballot**

Any qualified elector of this State, duly registered, who shall be unable to appear to cast his ballot at any general election at the regular polling place of the election district in which he is registered, either because of being in the public service of the United States or of this State, or because of the nature

of his business or occupation, or because of his sickness or physical disability, may cast a ballot at such general election to be counted in the total for such election district.

Section 4. § 5504, Title 15, Delaware Code of 1953 is amended to read as follows:

**§ 5504. Application affidavit required in certain cases to obtain absentee ballot**

Any elector desiring to receive an absentee ballot because of sickness, physical disability or because of his business or occupation shall file an affidavit with the Department of Elections in the county wherein such elector's election district is located, subscribed and sworn to before any person authorized to administer oaths, and dated not more than 30 days prior to the next ensuing general election, to the effect that such elector will be unable to appear at the polling place in his election district at the forthcoming general election because of personal sickness or physical disability; or because his business or occupation will require him to be absent from the county in which the election district is located.

Section 5. § 5505 (a), Title 15, Delaware Code of 1953 is amended by substituting the words and figures "under section 5503" for the words and figures "under section 5502" as the same appear in the first line thereof.

Section 6. § 5506, Title 15, Delaware Code of 1953 is amended by inserting at the end of the first phrase thereof after the words "from an elector" the following words "together with an affidavit if required by the provisions of section 5504".

Section 7. § 5507, Title 15, Delaware Code of 1953 is amended to read as follows:

**§ 5507. Affidavit of eligibility on voucher envelope; form**

There shall be printed on the face of each voucher envelope an affidavit in substantially the following form:

"I do solemnly swear (affirm) that I am a resident of the State of Delaware and will have resided therein at least.....



endorsed until the Tuesday next following the general election when they shall be destroyed, unless otherwise directed by competent authority.

Section 9. § 5513, Title 15, Delaware Code of 1953 is amended to read as follows:

**§ 5513. Special carrier envelope used to convey absentee ballots to Prothonotary**

The special carrier envelope in which the absentee ballots are placed when returned by the absentee voter shall have printed thereon the following:

**"ABSENTEE VOTER'S BALLOT.**

This envelope contains an absentee voter's ballot and shall be opened only at the direction and under the supervision of persons authorized so to do by the Superior Court acting as the Official Board of Canvass.

**DEPARTMENT OF ELECTIONS FOR.....COUNTY.**  
..... (Secretary) ..... (President) "

Section 10. § 5514, Title 15, Delaware Code of 1953 is amended to read as follows:

**§ 5514. Delivery of absentee ballots to Prothonotary**

Absentee ballots received by any Department of Elections pursuant to section 5511 of this chapter shall be deposited in a ballot box or boxes of a type such as have been used at general elections. Immediately after the polls are closed the aforementioned ballots shall be deposited in the inner box or boxes and the lid thereof shall be secured by tape crossed and sealed with sealing wax by the President of the Department or other person authorized to do so. The box containing the ballots shall then be placed inside the outer box furnished for that purpose and the outer box shall then be locked, the keys shall be retained by the President of the Department of Elections and the box or boxes containing the said ballots shall, within one hour after

the election is closed, be delivered to the Prothonotary of the Superior Court of the county who shall at 12:00 o'clock noon on the second day after the election present the same to the said Court, and the President of the Department of Elections, or person authorized by him, at the same time shall present the keys for the box or boxes to the Superior Court of the County.

Section 11. §§ 5515, 5516, and 5518, Title 15, Delaware Code of 1953 are repealed.

Approved July 7, 1953.

## CHAPTER 279

PROVIDING FOR MAINTENANCE OF RADIO EQUIPMENT BY  
VOLUNTEER FIREMEN

**AN ACT AUTHORIZING THE LEVY COURT OF KENT COUNTY TO APPROPRIATE THE SUM OF THREE HUNDRED DOLLARS (\$300.00) TO THE KENT COUNTY VOLUNTEER FIREMEN'S ASSOCIATION FOR THE MAINTENANCE OF RADIO EQUIPMENT USED IN CONNECTION WITH VOLUNTEER FIRE FIGHTING APPARATUS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The Levy Court of Kent County is authorized to appropriate the sum of three hundred dollars (\$300.00) to the Kent County Volunteer Firemen's Association for the maintenance of radio equipment used in connection with volunteer fire fighting apparatus throughout the county.

Approved July 7, 1953.

CHAPTER 280

ALLOWING CLAIM OF JOSEPH O. WILLIS

**AN ACT TO AUTHORIZE THE LEVY COURT TO ALLOW  
THE CLAIM OF JOSEPH O. WILLIS FOR TAXES ER-  
RONEOUSLY COLLECTED.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. The Levy Court of Kent County is hereby authorized and directed to refund to Joseph O. Willis a sum not exceeding one hundred twenty-five dollars (\$125.00) for the error in collecting County taxes for Kent County, Delaware.

Approved July 7, 1953.

## CHAPTER 281

## APPROPRIATION

JAMES C. WEBB

**AN ACT TO APPROPRIATE MONEY TO JAMES C. WEBB  
FOR MONEYS EXPENDED FOR THE USE OF FRED-  
ERICA SCHOOL.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. One hundred four dollars and twenty-nine cents (\$104.29) is hereby appropriated from the general fund of the State of Delaware to James C. Webb, a member of the School Board at Frederica School, Frederica, Delaware, to reimburse him for moneys advanced by him to the Delaware Power and Light Company, in the sum of sixty-five dollars and ninety-four cents (\$65.94), and to the Diamond State Telephone Company in the sum of thirty-eight dollars and thirty-five cents (\$38.35) to pay obligations rightfully due by the Frederica School of Frederica, Delaware, the obligations having been incurred during the fiscal year July 1, 1951 - July 1, 1952, and representing an expenditure in excess of the regular budgetary period.

Section 2. This is a supplementary appropriation bill and the money shall be appropriated out of the general fund of the State of Delaware not otherwise appropriated.

Approved July 7, 1953.



CHAPTER 282

RESPECTING SALARIES OF KENT AND SUSSEX COUNTY OFFICERS

**AN ACT TO AMEND TITLE 10, DELAWARE CODE OF 1953,  
IN RESPECT TO THE SALARIES OF THE SHERIFFS,  
PROTHONOTARIES, AND REGISTERS IN CHANCERY  
AND CLERKS OF THE ORPHANS' COURT OF KENT  
AND SUSSEX COUNTIES.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. §2101 (2) and (3), Code Title 10, are amended  
to read as follows:

(2) In Kent County, \$3,000.

(3) In Sussex County, \$3,000.

Section 2. § 2301 (2) and (3), Code Title 10, are amended  
to read as follows:

(2) In Kent County, \$3,000.

(3) In Sussex County, \$3,000.

Section 3. § 2502 (2) and (3), Code Title 10, are amended  
to read as follows:

(2) In Kent County, \$3,000.

(3) In Sussex County, \$3,000.

Approved July 8, 1953.

## CHAPTER 283

RESPECTING SALARIES OF KENT AND SUSSEX COUNTY OFFICERS

**AN ACT TO AMEND TITLE 12, DELAWARE CODE OF 1953,  
IN RESPECT TO THE SALARIES OF THE REGISTERS  
OF WILLS OF KENT AND SUSSEX COUNTIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2505 (2) and (3), Code Title 12 are amended to read as follows:

(2) Kent County, \$3,000.

(3) Sussex County, \$3,000.

Approved July 8, 1953.

CHAPTER 284

RESPECTING SALARIES OF KENT AND SUSSEX COUNTIES  
PROBATION OFFICERS

**AN ACT TO AMEND TITLE 11, DELAWARE CODE OF 1953,  
IN RESPECT TO THE SALARIES OF THE PROBATION  
OFFICERS OF KENT AND SUSSEX COUNTIES.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 4303, Code Title 11, is amended by striking out the figures "\$1,800" as the same appear in line 3 thereof and substituting therefor the figures "\$2,400".

Approved July 8, 1953.

## CHAPTER 285

## RELATING TO TOWN OF LEWES

**AN ACT TO AMEND CHAPTER 196, PART 1, VOLUME 22, LAWS OF DELAWARE, BEING AN ACT ENTITLED "AN ACT TO AUTHORIZE THE COMMISSIONERS OF LEWES TO APPOINT A BOARD OF PUBLIC WORKS FOR THE TOWN OF LEWES, WHICH SHALL ESTABLISH, CONTROL AND REGULATE AN ELECTRIC LIGHT PLANT, WATER WORKS AND A SEWER SYSTEM FOR SAID TOWN; PRESCRIBING THE POWERS AND DUTIES OF SAID BOARD AND PROVIDING FOR THE ELECTION OF THEIR SUCCESSORS", BY AUTHORIZING THE COMMISSIONERS OF LEWES TO PAY NOT EXCEEDING \$5,000.00 A YEAR FOR STREET ILLUMINATION.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House of the General Assembly concurring therein):*

Section 1. The last paragraph of Section 5, of Chapter 196, of Part 1, of Volume 22, Laws of Delaware, is amended to read as follows:

"The Commissioners of Lewes shall pay monthly out of the general fund of the town to the Board of Public Works for the purpose of street illumination the actual cost of street illumination or lighting, but not to exceed Five Thousand Dollars in any one calendar year".

Approved July 8, 1953.

## CHAPTER 286

## RELATING TO STATE BOARD OF EDUCATION

**AN ACT TO PROVIDE THAT ANY UNUSED PORTION OUT OF THE FUNDS MADE AVAILABLE TO THE STATE BOARD OF EDUCATION FOR THE OPERATION OF THE 1, 2, AND 3 TEACHER SCHOOLS OF THE STATE BOARD UNIT, EXCLUSIVE OF SALARIES, SHALL NOT REVERT TO THE GENERAL FUND AT THE END OF ANY FISCAL YEAR, BUT SHALL BE RETAINED BY THE STATE TREASURER FOR THE USE OF THE STATE BOARD OF EDUCATION TO BE USED ONLY FOR THE PURPOSES FOR WHICH SAID FUNDS WERE ORIGINALLY MADE AVAILABLE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The moneys made available to the State Board of Education in any appropriation or transfer for the operation of the 1, 2, and 3 teacher schools of the State Board unit, exclusive of salaries, which shall remain unexpended at the end of any fiscal year shall be retained by the State Treasurer for the use of the State Board of Education for the purposes for which said funds were originally appropriated and shall not revert to the General Fund of the State Treasurer.

Approved July 8, 1953.

## CHAPTER 287

## RELATING TO DENTISTRY

**AN ACT TO AMEND CHAPTER 11, TITLE 24, DELAWARE CODE OF 1953, PROVIDING FOR CERTAIN PENALTIES FOR VIOLATIONS OF SUBCHAPTER II, ENTITLED "DENTISTRY", BY INCREASING THE PENALTY FOR PRACTICING WITHOUT REGISTRATION OR CERTIFICATE, AND PROVIDING FOR MANDATORY JAIL SENTENCE FOR THE SECOND OR FURTHER OFFENSES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1178, Title 24, Delaware Code of 1953, is amended to read as follows:

**"§ 1178. Generally; practice without registration or certificate; separate offenses**

"Whoever practices or attempts to practice dentistry or oral hygiene within this State without having been registered, or without having obtained a certificate to practice dentistry or oral hygiene, or during the period of suspension or revocation of such certificate previously granted, shall be fined not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00), or imprisoned not less than one (1) month nor more than one (1) year, or both, and upon a second or any subsequent offense, shall be fined not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00), and imprisoned not less than six (6) months, nor more than one (1) year.

"Each act of practice or attempt to practice dentistry or oral hygiene under the disabilities described in this section, and each day on which any person holds himself out as practicing under any name except his own, shall be a separate offense."

Approved July 8, 1953.

## CHAPTER 288

## APPROPRIATION

## DELAWARE GEOLOGICAL COMMISSION

**AN ACT TO APPROPRIATE FUNDS TO THE DELAWARE  
GEOLOGICAL COMMISSION FOR USE IN CONNECTION  
WITH WORK OF THE DELAWARE GEOLOGICAL SUR-  
VEY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of twenty-four thousand, two hundred fifty dollars (\$24,250.00) for the fiscal year July 1, 1953-54 and the further sum of twenty-four thousand, two hundred fifty dollars (\$24,250.00) for the fiscal year July 1, 1954-55 is appropriated to the Delaware Geological Commission for use in connection with the purposes of the Delaware Geological Survey in respect to the making of a more scientific study or survey on a statewide basis.

Section 2. For the purposes of this Act, the money appropriated for each of the fiscal years shall be expended by said Delaware Geological Commission in keeping with the following schedule:

APPROPRIATION ..... \$24,250.00

## EXPENDITURES:

Salaries for State Geologist, Jun-  
ior Geologist, Field Assistant,

Secretary .....	\$10,875.00
Travel .....	1,000.00
Operations .....	12,375.00

Total .....	\$24,250.00	\$24,250.00
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Section 3. It is understood that the moneys herein appropriated shall be expended in cooperation with the University of

Delaware which by Statute has general charge of the Delaware Geological Survey work.

Section 4. This shall be known as a supplementary appropriation and the moneys shall be paid out of the general fund not otherwise appropriated.

Approved July 8, 1953.



## CHAPTER 289

### CHANGING TERM OF JUDGE OF COURT OF COMMON PLEAS FOR KENT COUNTY

#### **AN ACT TO AMEND TITLE 10, DELAWARE CODE OF 1953, ENTITLED "COURTS AND JUDICIAL PROCEDURE" BY INCREASING THE TERM OF THE JUDGE OF THE COURT OF COMMON PLEAS FOR KENT COUNTY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1502 (a), Title 10, Delaware Code of 1953, is amended by striking out the word "four" in the second line and substituting the word "twelve".

Section 2. Nothing in this Act shall in any way alter or affect the present incumbent Judge of the Court of Common Pleas for Kent County but shall apply only to his successor to be appointed in August of 1955 and to subsequent appointments thereafter.

Approved July 8, 1953.

## CHAPTER 290

RELATING TO SALARIES OF KENT AND SUSSEX COUNTY OFFICERS

**AN ACT TO AMEND TITLE 9, DELAWARE CODE OF 1953  
IN RESPECT TO THE SALARIES OF THE LEVY COURT  
COMMISSIONERS, BOARDS OF ASSESSMENT, COMP-  
TROLLERS, CLERKS OF THE PEACE, CORONERS, AND  
RECORDERS OF KENT AND SUSSEX COUNTIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 309 (b) Title 9, Delaware Code of 1953 is amended to read as follows:

(b) In Kent and Sussex Counties each of the Levy Court Commissioners shall receive a salary of \$2,800.00 per year.

Section 2. § 8205 (2) and (3), Title 9, Delaware Code of 1953 are amended to read as follows:

(2) Kent County, \$2,100.00

(3) Sussex County, \$2,100.00

Section 3. § 9306, Title 9, Delaware Code of 1953 is amended by striking out the figures "\$2,400" as the same appear in line 3 of the first paragraph thereof and substituting therefor the figures "\$3,000".

Section 4. § 9402 (2) and (3), Title 9, Delaware Code of 1953 are amended to read as follows:

(2) In Kent County, \$3,000.00

(3) In Sussex County, \$3,000.00

Section 5. § 9501 (2) and (3), Title 9, Delaware Code of 1953 are amended to read as follows:

(2) In Kent County, \$2,000.00

(3) In Sussex County, \$2,000.00

Section 6. § 9602 (2) and (3), Title 9, Delaware Code of 1953 are amended to read as follows:

(2) In Kent County, \$3,000.00

(3) In Sussex County, \$3,000.00

Approved July 8, 1953.

## CHAPTER 291

## CREATING COURT OF COMMON PLEAS FOR SUSSEX COUNTY

**AN ACT TO AMEND TITLES 10 AND 11, DELAWARE CODE OF 1953, BY CREATING A COURT OF COMMON PLEAS FOR SUSSEX COUNTY; PROVIDING FOR THE APPOINTMENT, SALARIES AND PAYMENT OF A JUDGE AND OTHER OFFICERS; PROVIDING FOR A SEAL AND RULES; PROVIDING FOR THE POWERS, DUTIES, JURISDICTION, RULES OF PROCEDURE OF THE COURT IN CIVIL AND CRIMINAL CASES; PROVIDING FOR THE RIGHT OF AN ACCUSED PERSON TO ELECT TO BE TRIED BY THE COURT, AND DUTY OF THE JUSTICE OF THE PEACE AND THE ARRESTING OFFICER TO ADVISE THE ACCUSED OF THIS RIGHT.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each Branch thereof concurring therein):*

Section 1. Title 10, Delaware Code of 1953, is amended by adding a new chapter to Title 10, known as Chapter 16, entitled "Court of Common Pleas for Sussex County" and by adding the necessary new sections beginning with § 1601:

**CHAPTER 16. COURT OF COMMON PLEAS FOR  
SUSSEX COUNTY**

**SUBCHAPTER I. ORGANIZATION AND OPERATION**

**§ 1601. Creation; designation**

There is created and established for Sussex County a Court of Record to be known as "The Court of Common Pleas for Sussex County" and hereinafter referred to in this chapter as the "Court".

**§ 1602. Appointment of Judge; term; qualifications and salary**

(a) The Governor shall appoint and commission a Judge for a term of twelve (12) years who shall hold and preside over the Court of Common Pleas for Sussex County.

(b) No person shall be eligible to hold the office of Judge of Court of Common Pleas in Sussex County unless he is a licensed, practicing attorney at law in good standing in the State of Delaware and a resident of Sussex County.

(c) The Judge of the Court of Common Pleas for Sussex County shall receive for his salary or compensation the sum of ten thousand dollars (\$10,000.00) per year, payable monthly by the State Treasurer out of the General Fund of the State.

(d) The Judge upon assuming his duties, shall not practice law during his term of office.

#### **§ 1603. Continuous session**

The Judge of the Court of Common Pleas for Sussex County shall hold the first term of Court on the first Monday of the next calendar month following the date upon which this act takes effect and shall thereafter hold Court continuously throughout the year subject to such rules and regulations as the Judge thereof promulgates.

#### **§ 1604. Place for holding Court**

The Court shall be held in the Town of Georgetown. The Levy Court of Sussex County shall provide some suitable place in the corporate limits in the town of Georgetown for the holding of the Court. When the Superior Court is not in session, Court may be held in the Superior Court room.

#### **§ 1605. Payment of expenses**

All expenses of the Court for books, records, writs and other papers necessary for the Court shall be paid by the Levy Court of Sussex County upon a bill presented to the Levy Court and verified by the Judge of the Court.

#### **§ 1606. Temporary assignment of Superior Court Judge**

In the event the Judge of the Court of Common Pleas for Sussex County is unable for any cause to preside over the Court, the President Judge of the Superior Court, after notification,

shall assign one of the Judges of the Superior Court of the State of Delaware to hold the Court of Common Pleas during the absence of the Judge.

**§ 1607. Seal; rules of Court**

The Judge of the Court, by and with the consent and advice of the Superior Court of the State of Delaware may, for and on behalf of the Court of Common Pleas for Sussex County, adopt a seal, make and publish general rules regulating the practice and procedure therein and the keeping of those records, including a schedule of costs and fees and providing for such deposits as are deemed necessary.

**§ 1608. Disposition of monies**

The fees, fines, costs or other sums of money received by the Clerk of the Court, constable or other officer of the Court shall be paid to the County Treasurer of Sussex County, except as otherwise provided in this chapter and also except fines and penalties which under any law of this State are required to be paid otherwise, and excepting also payments received toward the satisfaction of any judgment of the Court or in pursuance to any rule of the Court, which sum so received shall be paid into the Court and shall be subject to the order of the Court.

**SUBCHAPTER II. OFFICERS AND EMPLOYEES**

**§ 1621. Appointment of clerk and other officers; terms; compensation**

(a) The Judge shall appoint a Clerk for the Court and such other officers as he deems necessary to perform the business of the Court.

(b) The Clerk or other officers shall hold office at the pleasure of the Judge and shall receive such salary or salaries as are fixed from time to time by the Judge.

(c) The combined salaries of such Clerk and other officers shall not exceed in the aggregate in any one year the sum of Twenty-Five Hundred Dollars (\$2500.00).

(d) The salary of the Clerk shall be paid in equal monthly installments by the Levy Court of Sussex County and the salary or compensation of the other officers of the Court shall be paid by the Levy Court of Sussex County upon presentation of bill for such salary or compensation approved by the Judge.

#### **§ 1622. Bond of Clerk**

The Clerk shall, before entering upon the duties of the office, give bond to the State in the sum of Two Thousand Dollars (\$2,000.00) with approved surety to faithfully perform and execute all the duties of his office during his continuance therein. The bond shall be approved by the Judge. Should the Clerk so appointed fail to give bond as required within ten (10) days from the date of his appointment, the Judge shall make a new appointment.

#### **§ 1623. Powers and duties of Clerk**

(a) The Clerk shall have the care of the records of the Court and the records of all proceedings had before the Judge, and he shall receive all fees, fines and costs arising out of any proceedings had in the Court, or before the Judge, and shall pay the same over as in this Chapter provided.

(b) The Clerk may administer all necessary oaths; he shall enter the judgments, issue commitments and executions to enforce the same and make up and keep the records of the Court in all cases therein under the direction of the Judge. He shall issue all process under his hand and the seal of the Court, and test the same in the name of the Judge, signing such process by his title of Office, and shall tax costs.

(c) The Clerk may issue warrants upon complaint filed in writing, and under oath or affirmation, in all cases to be returnable before the Judge. The Clerk may take bail from persons arrested when the Court is not in session, subject to revision by the Court, which authority to take bail shall include the right to take such bail as is hereinafter provided.

#### **§ 1624. Deputy Clerk**

In case of sickness, absence or inability of the Clerk, the Judge may appoint a Deputy Clerk to serve in the absence of

the Clerk. The Deputy Clerk shall have the same powers and duties as the Clerk. The Deputy Clerk shall receive a salary of Seven Dollars and Fifty Cents (\$7.50) per diem for the period during which he serves. The salary shall be paid by the Levy Court of Sussex County.

**§ 1625. Service of process; costs and expenses**

(a) The writs, rules and processes of the Court shall be served and executed by any constable for Sussex County and/or any county or state officer, in any county of Delaware, who is authorized by law to serve general process; and also, in criminal actions by officers of the State Police.

(b) Any constable or county officer (except officers of the State Police), making any arrest, serving any writs, rules, processes or warrants, or otherwise serving the Court, shall receive the same fees as are allowed by law to constables for such service performed on writs issued by a justice of the peace.

(c) The fees and mileage provided for in this section shall be taxed as a part of the costs of each proceeding, and shall be paid by the Clerk of the Court to such constable or county officer when the costs are paid. In all criminal actions brought before the Court such fees and mileage charges, if the costs are not paid by the defendant in such proceedings, shall be paid by the Levy Court of Sussex County upon bills presented therefor, which have been approved by the Judge of the Court of Common Pleas.

**SUBCHAPTER III. GENERAL JURISDICTION  
AND POWERS**

**§ 1641. Civil jurisdiction; amount in controversy**

(a) The Court shall have concurrent jurisdiction in Sussex County with the Superior Court in all civil actions at law, arising ex contractu or ex delicto, where the value of the matter or thing in controversy, exclusive of interest, does not exceed the sum of One Thousand Dollars (\$1,000.00).



(b) The amount claimed by the plaintiff, where the claim is for a sum certain and not in excess of One Thousand Dollars (\$1,000.00), exclusive of interest, shall be conclusive as to jurisdiction of the Court.

(c) In all actions at law, not involving any sum certain, the plaintiff shall state in his complaint the amount of damages claimed or the value of the thing or matter in controversy, which statement shall be conclusive as to the jurisdiction of the Court.

(d) The Court shall also have and may exercise the same jurisdiction and powers in all civil actions as is vested in Justices of the Peace for Sussex County, including actions of forcible entry, detainer and holding over of tenants.

#### **§ 1642. Causes transferred from Superior Court**

The Court shall have jurisdiction to receive, hear, try and dispose of all such arguments, cases, matters and business as, by certificates of the Judges of the Superior Court, may be assigned or transferred to it by the Superior Court of Sussex County, pursuant to the rules of the Court made for that purpose, provided they come within the jurisdiction of the Court of Common Pleas, and also in cases where the parties in interest are entitled to a jury trial, provided they, in writing, filed with the Superior Court, waive jury trial.

#### **§ 1643. General powers of Court**

The Court of Common Pleas shall have all of the powers of a court of record possessed by the Superior Court of the State of Delaware, in the enforcement of its writs, rules and processes, the attendance of witnesses, the requiring of security for costs from non-resident plaintiffs, the production of documents, books and records and the production of all other necessary evidence.

### **SUBCHAPTER IV. PROCEDURE**

#### **§ 1661. Commencement of civil action; complaint**

(a) All civil actions in the Court, except actions of foreign attachment, shall be begun by filing a complaint.

(b) The form of the complaint shall conform to the rules of civil procedure of the Superior Court.

(c) Where the plaintiff's complaint is based upon a written contract or other writing, a copy thereof shall be annexed to the complaint or reason given for the failure so to do.

(d) The complaint may be filed by the plaintiff or his counsel.

(e) All complaints shall be signed by the plaintiff, plaintiff's agent or his attorney and shall be filed in duplicate.

#### **§ 1662. Summons**

The Court shall, upon the filing of the plaintiff's complaint, issue a summons under the seal of the Court requiring the defendant to appear and file an answer to plaintiff's complaint within ten (10) days after service of the statement upon him.

#### **§ 1663. Answer, time for filing; contents**

(a) The defendant shall file within ten (10) days of the service of the summons and a copy of the complaint upon him, an answer which shall consist of a series of numbered paragraphs corresponding to the paragraphs in the plaintiff's statement of claim and shall contain an admission or denial of each fact averred. If the defendant alleges himself to be ignorant as to the facts averred in any paragraph, he may so state and place the plaintiff upon proof of such facts as if they had been denied. All facts which the defendant does not deny or aver himself to be ignorant of and demand proof shall be deemed to be admitted.

(b) The answer may be filed by the defendant or his counsel.

(c) If the defendant has filed an answer, the case shall be at issue without any formal pleas unless he sets up new matter in separately numbered paragraphs in addition to those answering plaintiff's averments.

**§ 1664. Reply; time for filing; contents**

(a) If the defendant in his answer sets up new matter the plaintiff may, within five (5) days, reply to the new matter as set up in separately numbered paragraphs.

(b) All new matter which is averred in the defendant's answer not denied by the plaintiff, or of which he does not declare himself to be ignorant and demand proof, shall be deemed to be admitted.

(c) Upon the filing of the reply, the case shall be at issue.

**§ 1665. Extension of time for filing pleadings and giving bonds**

(a) Upon application for an extension of time for filing an answer or a reply to new matter, the Court may, in its discretion for good cause shown, extend the time for filing such answer or reply to new matter.

(b) Whenever the last day for filing a complaint, an answer, a reply to new matter, for giving an appeal bond or a bond in foreign attachment cases, falls upon Sunday, or upon a legal holiday, such statement of claim, answer, or reply to new matter may be filed, and such appeal bond or foreign attachment bond may be given, on the next succeeding secular or business day.

**§ 1666. Judgment on the pleadings; motions**

(a) If the defendant defaults in filing an answer within ten (10) days from the service of the summons and plaintiff's complaint upon him, the plaintiff may take judgment against the defendant as of course.

(b) After the issue is joined by the pleadings, the plaintiff may move for judgment for want of a sufficient answer for all or a portion of the complaint.

**§ 1667. Trial upon joinder of issue**

When a case is at issue the Judge shall arrange the trial thereof as promptly as possible, and shall notify counsel with as little delay as possible.

**§ 1668. Trial by jury**

(a) All civil cases tried before the Court of Common Pleas shall be without jury, except

(b) Any party in interest may have a trial by jury to be chosen by the Judge of the Court, if the party desiring the jury trial gives security to pay for the expense incurred thereby.

(c) The jury shall consist of not more than five (5) members, as the party in interest asking for the jury trial requests and the verdict or finding of the majority of the jury shall be decisive.

(d) The jurors shall have like qualifications as jurors in the Superior Court.

**§ 1669. Witness fees**

(a) Witnesses attending the Court shall receive the sum of Two Dollars (\$2.00) for each day in so attending and three cents (\$.03) per mile going and returning.

(b) In civil cases all fees shall be taxed as a part of the costs of the proceedings and shall be paid to the persons entitled thereto when the costs are paid.

**§ 1670. Judgments and executions**

(a) All civil judgments rendered by the Court of Common Pleas shall be entered in a Judgment Docket, which shall be properly indexed. The judgment shall not constitute a lien upon real estate, but a transcript thereof may be filed in the office of the Prothonotary in and for Sussex County upon motion made in the Court of Common Pleas by the judgment creditor in the judgment and the Prothonotary shall enter in his Judgment Docket the names of the parties, the amount of the judgment, the name of the Court in which the judgment was recovered, the time from which interest runs, and the amount of the costs, with the true date of such filing and entry. The judgment, so transferred, shall, from that date, become and be a lien on all the real estate of the debtor in the county, in the same manner and

as fully as judgments rendered in the Superior Court are liens, and may be executed and enforced in the same manner as judgments of the Superior Court. If any judgment is lawfully assigned to a joint debtor or surety, the assignee shall have the benefit of this section.

(b) Writs of execution for the seizure and sale of personal property based upon judgments obtained in the Court shall be issued in the manner provided by law for writs issuing out of the Prothonotary's office in Sussex County for the seizure and sale of personal property. The Court, if it deem it advisable so to do, may, by rule of the Court made for that purpose, change the method of procedure.

#### **§ 1671. Foreign attachment**

(a) A writ of foreign attachment may be issued out of the Court of Common Pleas in any action *ex contractu* or *ex delicto* against any person, firm or corporation upon praecipe and affidavit by the plaintiff or any other credible person and filed in the Court that the defendant resides out of the State, or is a corporation not created by or existing under the laws of this State and is justly indebted to the plaintiff in a sum not exceeding One Thousand Dollars (\$1,000.00), exclusive of interest, to be specified in the affidavit. Where there are two or more defendants, one a resident of this State but without available means to pay the plaintiff's claim, that may be so stated in such affidavit and the attachment thereon may issue against the nonresident defendant, as if he were the only defendant in the cause. The plaintiff's statement of claim shall be filed within five (5) days from the issuance of the writ.

(b) In an attachment to be issued under this section, judgment may be given for the plaintiff at the expiration of sixty (60) days after service of the writ, unless the defendant has appeared and filed an answer, in which case like proceedings shall be had as in other suits commenced in the Court of Common Pleas. If the defendant in the attachment or any sufficient person for him, at any time after attachment gives security for the payment of any judgment that may be recovered in the proceedings, with costs, then the garnishees and all of the property attached shall be discharged and the attachment dissolved and

like proceedings shall be had as in cases of foreign attachment in the Superior Court, in which the attachment has been dissolved by special bail. The security shall be approved and the form and amount thereof determined by the Judge of the Court of Common Pleas. Every writ issued under the provisions of this section shall have endorsed thereon by the plaintiff or his attorney, the amount of bail to be taken in such action and any officer of the Court taking bail in any proceedings under this section shall require the person going bail to justify in the amount so endorsed on the writ, unless the amount is reduced as in cases of foreign attachment in the Superior Court.

(c) Except as herein otherwise provided, the writ shall be framed, directed, executed and returned and like proceedings had as in cases of foreign attachment in the Superior Court, as provided in Chapter 35 of this title. Every plaintiff in a foreign attachment shall have the benefit of his own discovery, and after judgment may proceed by order of sale, fieri facias, capias ad satisfaciendum or otherwise as on other judgments.

#### **§ 1672. Appeal and certiorari in civil actions**

(a) From any order, rule, decision, or judgment of the Court in a civil action, the aggrieved party shall have the right of appeal to or certiorari from the Superior Court of Sussex County in the same manner as is provided by law as to causes tried before Justices of the Peace. No appeal shall be allowed from any order, rule, decision or judgment of the Court in any civil action unless the amount involved exceeds, exclusive of interest and costs, the sum of Two Hundred Dollars (\$200.00).

(b) Any remedy by appeal, certiorari, writ of error, or otherwise from the judgment of the Superior Court shall be as though the cause had originated in the Superior Court.

Section 2. Title 11, Delaware Code of 1953, is amended by adding a new Chapter designated as Chapter 56, entitled "Court of Common Pleas for Sussex County" and by adding the necessary new sections beginning with § 5601, as follows:

**§ 5601. Criminal procedure generally**

(a) The proceedings in all criminal cases in the Court of Common Pleas for Sussex County shall be by information and without indictment by grand jury or trial by petit jury, with the right of appeal as provided in the 28th section of the 4th Article of the Constitution of the State of Delaware.

(b) The Court shall have the same authority at all times to receive pleas of guilty from persons charged with crimes, as is exercised by the Superior Court, and thereupon to impose sentence or probation, according to law, as fully as is now done by the Superior Court.

**§ 5602. Election by accused to have case tried by Court when proceeding brought before Justice of the Peace**

The accused, in all criminal cases where a Justice of the Peace in Sussex County has jurisdiction and power to hear and finally determine the matter, may elect to have the case tried by the Court of Common Pleas for Sussex County.

**§ 5603. Contempt; issuance of process in aid of jurisdiction**

The Court of Common Pleas for Sussex County may punish contempt and may issue all processes necessary for the exercise of its criminal jurisdiction, which process may be executed in any part of the State.

**§ 5604. Bail and commitment upon election to trial by Court**

(a) In all those cases where, by the provisions of § 5602 of this title, the accused may elect to be tried by the Court of Common Pleas for Sussex County, if the accused when brought before a Justice of the Peace for Sussex County, elects to be tried by the Court of Common Pleas for Sussex County, the Justice of the Peace shall hold such accused under sufficient bail for a hearing or for his appearance at the Court of Common Pleas.

(b) In default of bail, the person accused shall be committed to the custody of the Board of Trustees of the Sussex County Prison to await the session of the Court of Common Pleas.

(c) If the accused is unable to give sufficient bail, the Justice of the Peace may accept as a forfeit, conditioned upon the accused's appearance a sum of money equal in amount to the costs and maximum fine which could be imposed for such offense, or in lieu of such bail or forfeit may accept any article of sufficient value, which article may be sold for non-appearance in the manner provided by the rules of the Court of Common Pleas.

(d) All bail bonds, money deposits, articles accepted in lieu of bail or money, shall be turned over to the Clerk of the Court of Common Pleas, forthwith, together with an itemized statement of all costs which may have accrued up to that time, and the same shall be taxed as costs against the accused in any judgment or sentence which may be pronounced against such accused in the Court.

(e) When collected, the costs of the Justice of the Peace shall be paid by the Clerk to the Justice of the Peace.

(f) In all such cases of election like proceedings shall be had in the Court of Common Pleas as are had in cases originating in the Court.

#### **§ 5605. Witness fees**

(a) Witnesses attending the Court of Common Pleas for Sussex County in criminal cases shall receive the same fees as in other cases.

(b) In criminal cases fees shall be taxed as a part of the costs of such proceeding and shall be paid to the person entitled thereto when the costs are paid. In all criminal cases the County Treasurer shall, upon the production of a Certificate of Attendance under the hand of the Clerk, pay the fees for witnesses on behalf of the State, or on behalf of a person tried and acquitted in the Court.



Section 3. § 2701, Title 11, Delaware Code of 1953 is amended by adding a new subsection designated as subsection (h) as follows:

(h) The Court of Common Pleas for Sussex County shall have original jurisdiction to hear, try and finally determine all misdemeanors alleged to have been committed in Sussex County, except where jurisdiction over such offenses is vested exclusively in another Court. The jurisdiction conferred by this subsection includes concurrent jurisdiction with Justices of the Peace in all cases in which the Justices of the Peace have jurisdiction.

Approved July 8, 1953.

## CHAPTER 292

RESPECTING SALARY OF NEW CASTLE COUNTY REGISTER OF WILLS

**AN ACT TO AMEND TITLE 12, DELAWARE CODE OF 1953  
ENTITLED "DECEDENTS' ESTATES AND FIDUCIARY  
RELATIONS" BY INCREASING THE SALARY OF THE  
REGISTER OF WILLS FOR NEW CASTLE COUNTY.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 2505, Title 12, Delaware Code of 1953 is amended by substituting the figures "\$5,400" for the figures "\$4,200" as the same appear in the third line thereof.

Approved July 8, 1953.

# CHAPTER 293

## RELATING TO FAMILY COURT OF NEW CASTLE COUNTY

### **AN ACT AMENDING CHAPTER 9, TITLE 10, DELAWARE CODE OF 1953, ENTITLED "FAMILY COURT FOR NEW CASTLE COUNTY", RELATING TO JUDGES' SALARIES AND TOTAL BUDGET OF COURT.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 908, Title 10, Delaware Code of 1953, is amended by striking out the figure "\$10,000" appearing therein and substituting in lieu thereof the following: "Twelve Thousand Five Hundred Dollars (\$12,500.00)".

Section 2. § 909 (b), Title 10, Delaware Code of 1953, is amended to read as follows:

(b) The Judges, acting jointly, shall determine all necessary expenses of the Court, except such as are established by law, provided that the total budget for each year shall not exceed One Hundred Fifty Thousand Dollars (\$150,000.00).

Approved July 8, 1953.

## CHAPTER 294

## RESPECTING ELECTIONS

**AN ACT TO AMEND TITLE 15, DELAWARE CODE OF 1953  
ENTITLED "ELECTIONS" RELATING TO BALLOTS,  
ELECTION SUPPLIES, POLLING PLACES, ELECTION  
OFFICERS AND CONDUCT OF ELECTION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 4502 (c), Chapter 45, Title 15, Delaware Code of 1953 is amended to read as follows:

(c) The ballots prepared under the provisions of this chapter shall be as hereinafter described. Each ballot shall have the Representative District number printed on the margin at the top; and in each Representative District in each County the official ballots shall be successively numbered beginning with number "1". The ballot shall as nearly as possible conform to the following design:

Number here	This strip must be detached before the ballot is put in the official envelope; and when voting must be shown to the Inspector.
<p style="text-align: right;">Perforated)</p> <p style="text-align: center;"><b>OFFICIAL BALLOT</b> Representative District _____ Presidential, Vice-Presidential, State, County and District ballot.</p>	
<p style="text-align: center;">PARTY EMBLEM <b>DEMOCRATIC PARTY</b></p>	
<p style="text-align: center;">PARTY EMBLEM <b>REPUBLICAN PARTY</b></p>	
<p style="text-align: center;">For President John Doe</p> <p style="text-align: center;">For Vice-President John Doe</p>	<p style="text-align: center;">For President John Doe</p> <p style="text-align: center;">For Vice-President John Doe</p>
<p style="text-align: center;">For Governor John Doe</p>	<p style="text-align: center;">For Governor John Doe</p>
<p style="text-align: center;">For Lieutenant Governor John Doe</p>	<p style="text-align: center;">For Lieutenant Governor John Doe</p>

In years when no President and no Vice-President are to be elected, the space provided for the names of candidates for such office shall not be made a part of the ballots, and the words "Presidential" and "Vice-Presidential" shall not be used.

Section 2. § 4503 (a), Chapter 45, Title 15, Delaware Code of 1953 is amended to read as follows:

**§ 4503. Printing and distribution of ballots**

(a) The Clerk of the Peace in each County shall cause to be printed within this State, in the form prescribed by section 4502 of this title, one official ballot for each voter in each election district in his county. The number of voters shall be ascertained in each election district by reference to the highest number of votes polled therein at any preceding election, with due allowance for any estimated increase thereof. If a new election district has been established in his county, the number shall be estimated by the Clerk of the Peace according to the best information he can obtain. Except as otherwise provided in section 4505 of this chapter, the contract for printing and furnishing official ballots and official envelopes shall be awarded by the Clerk of the Peace after duly advertised bids, to the lowest responsible bidder.

Section 3. § 4503 (c), (d), (e), Chapter 45, Title 15, Delaware Code of 1953 are hereby repealed and a new subsection (c) is enacted in lieu thereof as follows:

(c) The Clerk of the Peace shall cause the ballots as provided in subsection (a) of this section to be carefully wrapped and tied in a single package for each election district in his county. Such packages shall contain ballots totalling one-fifth the number of voters in each election district in his county, and shall be delivered to the Department of Elections five days prior to the election, and the ballots therein contained shall be used only as provided by chapter 50 of this title.

Section 4. § 4504 (b) and (c), Chapter 45, Title 15, Delaware Code of 1953 are amended to read as follows:

(b) The number of envelopes to be provided and printed by the Clerk of the Peace shall be equal to the number of official

ballots printed for each voter in each election district in his county. Each Clerk of the Peace shall cause the said envelopes for each election district in his county to be carefully wrapped and tied in a single package which shall be plainly marked and securely sealed with wax.

(c) The Clerk of the Peace in each county shall also provide and enclose in each package mentioned in subsection (b) of this section, one-half dozen black or indelible pencils or crayons and a sufficient number of rubber bands to secure each of the envelopes in the package. Each package for each election district shall contain envelopes equal to one-fifth the number of voters in the election district; such envelopes shall be delivered to the Department of Elections five days prior to the day of the election and shall be used only as prescribed by chapter 50 of this title.

Section 5. § 4507, Chapter 45, Title 15, Delaware Code of 1953 is repealed.

Section 6. § 4508, Chapter 45, Title 15, Delaware Code of 1953 is amended to read as follows:

**§ 4508. Loss or destruction of ballots, envelopes or other supplies**

If by any accident or casualty, the ballots, envelopes or other supplies delivered to any Inspector or other person by the Department of Elections shall be lost or destroyed such person having had such ballots, envelopes or supplies in his custody shall report the loss at once to the Department of Elections from whom the same were obtained, and make affidavit of the circumstances of the loss, whereupon the Department of Elections shall at once re-supply such person. In case such person having had in custody such ballots, envelopes or supplies fails or refuses to report and make proof of the loss, any qualified elector may do so, and thereupon the Department of Elections shall at once send a new supply of ballots, envelopes or other supplies by some trusty person. In case, for any reason, there should be found no ballots or other necessary means or contrivances for voting at the opening of the election, the election officers at such polling place shall secure the same as speedily

as possible, and if necessary, such election officers shall have ballots printed or written and envelopes secured. Such ballots and envelopes shall conform as nearly as possible to the official ballots and envelopes, and the printing and the preparation and the care of the same shall be under the same provisions and penalties as the printing and care of the other ballots and envelopes prescribed in this chapter.

Section 7. § 4509, Chapter 45, Title 15, Delaware Code of 1953 is repealed.

Section 8. § 4510, Chapter 45, Title 15, Delaware Code of 1953 is amended to read as follows:

**§ 4510. Ballot boxes; booths; tally sheets; ballots; envelopes; delivered**

When such supplies are required to be used pursuant to chapter 50 of this title, the Department of Elections shall in addition to the supplies furnished under the provision of section 4515 of this chapter, deliver to the Inspector of any election district, two tally sheets, two ballot boxes, tape, sealing wax; booths; official ballots and envelopes. Each ballot box shall be of sufficient size to contain all the ballots and envelopes of the election district, with one of the tally sheets and one certificate of election. In the lid of one of the boxes there shall be a hole sufficient only to admit with convenience one ballot and envelope, and it shall be furnished with a lock and key for securing the lid. The lid of the other box shall be without a hole, and it shall be so constructed as to be secured with tape and sealing wax.

Section 9. § 4511, Chapter 45, Title 15, Delaware Code of 1953 is amended to read as follows:

**§ 4511. Tally sheets**

When ballots provided for in this chapter are used pursuant to chapter 50 of this title, there shall be furnished for any such election district two tally sheets each of which shall consist of a margin on the left for the names of the persons voted for, and squares formed by parallel lines drawn from the bottom to the top of the sheet, each square to be sufficient to contain five

distinct rows of five distinct marks in each row, and there shall be a sufficient number of squares in each row of squares from left to right to contain more marks than any person will probably receives votes in the election district.

Section 10. § 4512, Chapter 45, Title 15, Delaware Code of 1953 is repealed.

Section 11. § 4515 (1), (2), (4), Chapter 45, Title 15, Delaware Code of 1953 are repealed.

Section 12. § 4706, Chapter 47, Title 15, Delaware Code of 1953 is amended to read as follows:

**§ 4706. Vacancies**

If any vacancy occurs in the office of Inspector, Judge of Election, Registrar or Assistant Registrar, before the expiration of the full term from any cause whatever, the Department of Election having jurisdiction shall appoint a person to fill such vacancy from the unused names if any there be from the list furnished to such Department of Elections by the political party from which the Department made the appointment for the office which has become vacant. The person to fill the vacancy shall serve for the residue of the unexpired term. Such person shall possess the same qualifications and be qualified in the same manner, possess the same powers and perform the same duties as the original appointee. Every person appointed to fill a vacancy shall qualify forthwith. The neglect or refusal of any person appointed to fill a vacancy, to appear and qualify forthwith shall create a vacancy in such office.

Section 13. § 4910, Chapter 49, Title 15, Delaware Code of 1953 is amended by adding at the end thereof, the following sentence:

This section to apply only when paper ballots are used in lieu of voting machines.

Section 14. § 4911, Chapter 49, Title 15, Delaware Code of 1953 is amended by adding at the end thereof, the following sentence:



This section to apply only when paper ballots are used in lieu of voting machines.

Section 15. § 4913, Chapter 49, Title 15, Delaware Code of 1953 is amended by adding at the end thereof, the following sentence:

This section to apply only when paper ballots are used in lieu of voting machines.

Section 16. § 4938, Chapter 49, Title 15, Delaware Code of 1953 is amended by adding at the end thereof, the following sentence:

This section to apply only when paper ballots are used in lieu of voting machines.

Section 17. § 4939, Chapter 49, Title 15, Delaware Code of 1953 is amended by adding new subsections as follows:

(d) Upon delivering a ballot to an elector, the Clerks of Election shall enter the number of the ballot in the columns opposite the name of such elector.

(e) This section shall apply only when paper ballots are used in lieu of voting machines.

Section 18. § 4941, Chapter 49, Title 15, Delaware Code of 1953 is repealed.

Section 19. § 4977, Chapter 49, Title 15, Delaware Code of 1953 is amended by adding a new subsection (d) as follows:

(d) In election districts wherein only voting machines are used, the provisions of this section shall apply so far as is consistent therewith.

Section 20. § 4978, Chapter 49, Title 15, Delaware Code of 1953 is amended by adding a new subsection (c) as follows:

(c) In election districts wherein only voting machines are used, the provisions of this section shall apply so far as is consistent therewith. In such election districts, one certificate

and two poll lists shall be delivered to the Department of Elections which shall be retained by the Department subject to examination by the Board of Canvass. In calculating the votes cast by absentee electors, the Board of Canvass shall appoint representatives of each of the two principle political parties who after being duly sworn shall ascertain by an examination of registration books, or registration certificate received from an elector serving in the armed forces, is a registered voter, if it is found upon examination that such elector is duly registered as aforesaid, the persons after ascertaining such fact shall stamp the word "Voted" in the column opposite the name of each elector in the proper Books of Registered Voters or on the face of the certificate of registration as the case may be. Such voucher envelopes shall, in the presence of the members of the Board of Canvass, be opened and the official envelope containing the ballot shall be taken therefrom without removing the ballot, the official envelope containing the ballot shall immediately be deposited in a box or other receptacle, and the voucher envelope from which the ballot was taken shall immediately be deposited in a box or receptacle other than the one containing the official envelopes and ballots; when all the official envelopes containing the ballot of qualified absentee electors have been removed from the voucher envelopes as herein directed, the Board of Canvass shall cause the official envelopes to be taken, one at a time, from the container, the ballot taken therefrom and the vote accredited to the persons for whom it was cast and shall be added to the total in calculating the vote cast for such persons.

If upon examination it is ascertained that for any cause an absentee elector is not qualified to cast a vote then and in that event the voucher envelope shall not be opened but shall be returned to the Board of Canvass together with the reason for its rejection.

When the canvass of the vote has been completed the Board of Canvass shall deliver to the Prothonotary, in a sealed receptacle, all voucher envelopes opened and unopened and the Prothonotary shall keep them for ten days after which they shall be destroyed by fire, unless otherwise directed by competent authority.

Approved July 8, 1953.

## CHAPTER 295

## APPROPRIATION

J. THOMAS O'NEAL

**AN ACT APPROPRIATING MONEY TO J. THOMAS O'NEAL  
IN PAYMENT OF THE CLAIM OF THE SAID J. THOMAS  
O'NEAL AGAINST THE STATE OF DELAWARE.**

WHEREAS, J. Thomas O'Neal was employed by the State Highway Department during the months of March, May and June, 1952 as a Highway Inspector; and

WHEREAS, the said J. Thomas O'Neal was directed to work hours in excess of the regular scheduled forty hour week and was authorized to use his personal automobile in the performance of his duties; and

WHEREAS, J. Thomas O'Neal did use his personal automobile during March, 1952 and worked overtime during the months of May and June, 1952 for which he has not been compensated as follows:

March, 1952	200 miles @ 7¢ a mile	.....	\$ 14.00
March, 1952	1,042 miles @ 6¢ a mile	.....	62.52
May, 1952	26 hours @ \$1.19 an hour	.....	30.94
June, 1952	32 hours @ 1.19 an hour	....	38.08

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Total claim ..... \$145.54

WHEREAS, J. Thomas O'Neal was not compensated for the aforementioned mileage and overtime hours because the properly executed documents were not received by the State Highway Department in time to be paid during the fiscal year in which said mileage and overtime hours occurred; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The State Treasurer is hereby directed and authorized to pay to J. Thomas O'Neal the sum of \$145.54 in

payment of his aforementioned claim against the State of Delaware, incurred during the fiscal year ending June 30, 1952.

Section 2. This shall be known as a supplementary appropriation act and the money hereby appropriated shall be paid out of the general fund of the State of Delaware not otherwise appropriated.

Approved July 8, 1953.

CHAPTER 296

APPROPRIATION

GENEVIEVE MONTA

**AN ACT TO APPROPRIATE THE SUM OF FOUR HUNDRED DOLLARS (\$400.00) TO MISS GENEVIEVE MONTA, A SCHOOL TEACHER EMPLOYED BY THE NEWPORT SCHOOL DISTRICT FOR THE PURPOSE OF MAKING A SALARY ADJUSTMENT IN KEEPING WITH HER EXPERIENCE AS A TEACHER.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of four hundred dollars (\$400.00) is appropriated to Miss Genevieve Monta, a school teacher employed by the Newport School District, as an adjustment of salary to which she is rightfully due in keeping with her experience as a teacher, the facts of her experience not having been clearly known at the time of her initial employment.

Section 2. This shall be known as a supplementary appropriation and the moneys herein appropriated shall be paid out of the general fund of the State of Delaware.

Approved July 8, 1953.

## CHAPTER 297

## RELATING TO TOWN OF DELMAR

**AN ACT TO FURTHER AMEND CHAPTER 182 OF VOLUME 45, LAWS OF DELAWARE, 1944-5, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF DELMAR", BY INCREASING THE LIMIT OF TAXATION FOR GENERAL TOWN PURPOSES.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House concurring therein):*

Section 1. That Section 14 of Chapter 182, of Volume 45, Laws of Delaware, as amended, is further amended by striking out the words "Twelve Thousand Dollars (\$12,000.00)" as they appear on the fourth line of the last paragraph of said Section, after the word "exceeding" and before the word "Dollars" and inserting in lieu thereof the words "Twenty Thousand Dollars (\$20,000.00)".

Approved July 8, 1953.

CHAPTER 298

RELATING TO JUSTICE OF PEACE IN PENCADER HUNDRED  
**AN ACT TO AMEND CHAPTER 91, TITLE 10, DELAWARE  
 CODE OF 1953, CONCERNING "JUSTICES OF THE  
 PEACE" ENTITLED "ORGANIZATION AND OPERA-  
 TION" BY ELIMINATING THE RESIDENCE REQUIRE-  
 MENT FOR THE JUSTICE OF THE PEACE IN PEN-  
 CADER HUNDRED.**

*Be it enacted by the General Assembly of the State of  
 Delaware (two-thirds of all Members elected to each Branch  
 thereof concurring therein):*

Section 1. § 9102, Title 10, Delaware Code of 1953, is  
 amended by striking out in subsection (7) the words "within  
 one mile of Glasgow".

Approved July 8, 1953.

## CHAPTER 299

## RELATING TO TOWN OF FELTON

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF FELTON", BEING CHAPTER 208 OF VOLUME 24, LAWS OF DELAWARE, BY INCREASING THE AMOUNT THAT CAN BE RAISED EACH YEAR BY TAXES.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of each Branch concurring therein):*

Section 1. That Section 8 of Chapter 208, Volume 24, Laws of Delaware, as amended by Chapter 138, Volume 33, Laws of Delaware, be and the same is hereby further amended by striking out the words "Two Thousand Dollars" and by substituting in lieu thereof the words "Thirty-five Hundred Dollars".

Approved July 8, 1953.



## CHAPTER 300

## RELATING TO TOWN OF BETHANY BEACH

**AN ACT TO AMEND CHAPTER 212, VOLUME 25, LAWS OF DELAWARE, AS AMENDED, BY PROVIDING THE COMMISSIONERS OF BETHANY BEACH WITH POWER AND AUTHORITY TO COMPEL BY ORDINANCE THE OWNERS OF PROPERTY WITHIN THE LIMITS OF THE TOWN TO KEEP THE SAME FREE FROM UNSANITARY OR HAZARDOUS CONDITIONS AND PROVIDE A PENALTY FOR VIOLATION THEREOF.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House of the Legislature concurring therein):*

Section 1. Chapter 212, Volume 25, Laws of Delaware, is amended by adding to Section 9, preceding the last sentence of said Section, a new sentence as follows:

"To have the power and authority to compel by ordinance the owner or owners of property within the limits of the Town, after written notice to said owner or owners by registered mail, to fill in any low lots so that the same may drain, to abate, remove and keep free said property from dense underbrush, rubbish, tall weeds, fallen timber or any like condition which in the discretion of the commissioners constitutes a fire hazard, or is unsanitary, or is prejudicial or detrimental to the health and welfare of the population of said town or to adjacent lot owners; and said commissioners may levy a fine or penalty of not less than Five Dollars (\$5.00) and not more than Twenty Dollars (\$20.00) against such owner or owners for each and every calendar month such notice has not been complied with after the expiration of such notice, and said fine or penalty may be assessed against said property by said commissioners."

Approved July 8, 1953.

CHAPTER 301  
APPROPRIATION  
UNIVERSITY OF DELAWARE

**AN ACT APPROPRIATING CERTAIN MONEY TO THE  
UNIVERSITY OF DELAWARE FOR COMPLETING THE  
AGRICULTURE BUILDING; DELAYED MAINTENANCE,  
FIRE PREVENTION AND SAFETY CHANGES; LABOR-  
ATORY AND CLASSROOM FURNISHINGS; AND ACA-  
DEMIC EQUIPMENT.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. There is hereby appropriated to the University of Delaware the sum of Nine Hundred and Fifty Thousand Dollars (\$950,000) to be expended by the Board of Trustees of the University of Delaware for completing the Agriculture Building; delayed maintenance, fire prevention and safety changes in various buildings; purchase of deferred laboratory and classroom furnishings and academic equipment needs.

Section 2. The money hereby appropriated shall be made available by the State Treasurer on July 1, 1953, to the University of Delaware and shall remain available to the University of Delaware until warrants covering the full amount stipulated in Section 1 have been issued by the proper officials of the University of Delaware.

Section 3. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated unless an omnibus bond bill, including the above appropriation, is enacted into law by the 117th General Assembly of the State of Delaware in which event the above appropriation shall be paid out of moneys received by the sale of bonds authorized under said Act.

Approved July 8, 1953.

## CHAPTER 302

## INCORPORATING THE TOWN OF FENWICK ISLAND

**AN ACT TO INCORPORATE THE TOWN OF FENWICK ISLAND, DELAWARE.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each Branch thereof concurring therein):*

**Section 1. Creation**

The territory hereinafter defined in Section II of this Act and the inhabitants thereof within said territory are created a municipal corporation of the State of Delaware under the style and name of the TOWN OF FENWICK ISLAND, DELAWARE.

**Section 2. Territorial limits**

The corporate limits and boundaries of the TOWN OF FENWICK ISLAND, DELAWARE are established and declared to include all of the pieces and parcels of land, marsh and beach described as follows:

No. 1. All that certain piece and parcel of land situate at Fenwick Island, Baltimore Hundred, Sussex County, State of Delaware, more particularly described as follows, to wit: Commencing at a point at the high water mark of the Atlantic Ocean; thence on a line North 82 degrees 51 minutes West a distance of 230 feet plus or minus to a hub; thence on the same course 52.08 feet to a hub; thence on the same course 281.50 feet to a stone; thence on the same course to and across the State Highway leading from Bethany Beach to the Maryland State line whatever the distance may be to the Westerly edge of the right-of-way line of said Highway; thence by and with the Westerly edge of said right-of-way line of said State Highway in a Southerly direction to the South side of Atlantic Street Extended; thence on a line South 83 degrees 39 minutes East across the aforementioned Highway to a stone; thence on the same course a distance of 380.5 feet to a stone; thence on the same course 230 feet to the high water mark of the Atlantic Ocean; thence with the high

water mark of the Atlantic Ocean in a Northerly direction to the place of beginning, be the contents what it may, as by reference to a plot of said lands filed in the Office of the Recorder of Deeds' in and for Sussex County in Plot Book No. 2, page 18 will more fully and at large appear.

No. 2. All that certain piece and parcel of land situate at Fenwick Island, Baltimore Hundred, Sussex County, State of Delaware, and adjoining in part Parcel No. 1 above described more particularly described as follows, to wit: All of Blocks Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 as laid out on the plot of the lands of N. Walter Suplee, said plot being dated December 18, 1945 and now of record in the Office of the Recorder of Deeds' in and for Sussex County in Plot Book No. 2, page 25, and all lands not specified on the said plot by particular lot numbers but being left on said plot between each of the blocks numbered one through eighteen inclusive for possible use as streets as well as that land left without a lot number on the said plot between Lot. No. 91 in Block No. 18 and Lot No. 92 which has no block number.

No. 3. All that certain piece and parcel of land situate at Fenwick Island, Baltimore Hundred, Sussex County, State of Delaware, more particularly described as follows, to wit: All of the land lying to the rear and West of Blocks. Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 as laid out on the plot of the lands of N. Walter Suplee, as the same remains of record in the Office of the Recorder of Deeds in and for Sussex County at Georgetown in Plot Book No. 2, page 25, and which were conveyed to George J. Schulz by deed of N. Walter Suplee and Mary J. Suplee, his wife, said deed being dated June 2, 1950 and now of record in the Office of the Recorder of Deeds' at Georgetown in Deed Book No. 393, page 583, and all islands or marsh belonging to the said George J. Schulz or to the State of Delaware either at the shores of Little Assawoman Bay located to the rear and West of the aforementioned Blocks or the nearest shore of which is within one-quarter of a mile of the lands of the said George J. Schulz herein mentioned.

### Section 3. Recorded plot evidence in court

The Town Council may at any time hereafter cause a survey and plot to be made of the TOWN OF FENWICK ISLAND,

DELAWARE and said plot when so made and approved by the Town Council, signed by the President and attested by the Secretary with the municipal corporate seal attached thereto may be recorded in the Office of the Recorder of Deeds' of the State of Delaware, in and for Sussex County and when so recorded the plot, or a duly certified copy thereof, shall be evidence in all Courts of law and equity of this State.

#### **Section 4. Government**

The Government of the Town and the exercise of all powers conferred by this Charter, except as otherwise provided herein, shall be vested in a TOWN COUNCIL consisting of seven members, one of whom shall be designated as President; provided, however, that until the first municipal election to be held on the first Saturday in August 1953, and until the seven members of the Council elected at that time shall qualify, the Town Council shall consist of the ten persons hereinafter named in Section V of this Charter, who are the officers and directors of an unincorporated association, known as the Fenwick Island Beach Association.

#### **Section 5. Designation of persons to serve on town council until the first regular municipal election**

Until the first regular municipal election and until their successors are duly elected and qualified the following persons shall serve as members of the Town Council: Vollie M. Lynch, George J. Schulz, Vance A. McCabe, Charles D. Thompson, John R. Furman, Cecil Fisher, William W. Clark, Helen West, Adah McCabe and Virgil Wiley, Virgil B. Wiley is hereby designated President of the Council, Adah McCabe Secretary of the Council and Helen West Treasurer.

#### **Section 6. Elections**

On the first Saturday in August, 1953 and annually thereafter on the same date, a municipal election shall be held between the hours of 2:00 o'clock P. M. and 4:00 o'clock P. M. (Eastern Standard Time), at such place within the limits of the Town as shall be designated by the Town Council. At the said election to be held on the first Saturday in August, 1953, three

of the members of the Town Council to be elected shall be elected to serve for one year or until their successors are elected and qualified, and four of the members of the Town Council to be elected shall be elected to serve for a term of two years or until their successors are elected and qualified, and at such annual election thereafter the successors of the members of the Council whose terms shall have expired, shall be chosen to serve for the term of two years or until their successors shall be elected and qualified.

#### **Section 7. Nominations to elective offices**

At least ten days before the day of the election, nominations for the Council shall be filed with the Secretary of the Council. The nominations shall be in writing signed by the nominees or by five citizens of the Town, which nominations shall be presented to the Council by the Secretary at a meeting of the Council to be held at the usual meeting place which shall be held not later than 9:00 o'clock in the evening of the last day for filing nominations. The Town Council shall cause to be printed or mimeographed ballots, at least as many in number as there are Citizens in the Town entitled to vote at the election. Said ballots shall contain the names of all persons nominated under the heading designating the offices for which nominated, and such ballots shall be delivered to the persons appointed or selected to hold the election at the opening of the Polls, and every citizen qualified to vote calling for a ballot shall receive one from the persons holding the election.

#### **Section 8. Election card**

Every election shall be held under the supervision of an Election Board, consisting of three qualified voters of the Town, to be appointed for that purpose by the Council, but if at the time of the opening of the election the three qualified voters appointed by the voters as the Election Board are not present, the persons entitled to vote at such election and then present shall appoint, by VIVA VOCE VOTE, a qualified voter or voters to act in place of the absentee members of the Election Board. Compensation of the members of the Election Board shall be fixed by the Town Council.

### **Section 9. Qualification of voters**

At any such election every person, male or female, who was a freeholder on the first day of June prior to the election and still is on the day of the election and against whose property there are no unpaid tax of the Town on the assessment list, twenty-one years of age or more, whether a resident or qualified voter of the State of Delaware or not, shall be entitled to vote; provided, that any married man or woman whose wife or husband is freeholder of said Town or a tenant by the entirety, although, he or she may not be in his or her own right the owner of any real estate in said Town, shall be entitled to vote. The same qualifications shall apply to any person before he or she may be nominated and elected as a member of the Town Council.

### **Section 10. Duties of election board**

Upon the close of the election the vote shall be read and counted publicly, and the person having the highest number of votes for each office shall be declared duly elected and continue in office for the term stated, or until his or her successors shall be duly elected and qualified. In case of a tie, the three persons holding the election shall, by a majority vote, decide which of the candidates so tied shall be elected.

The Election Board shall enter in a book to be provided for that purpose a minute of the election, containing the names of the persons chosen, shall subscribe to the same and shall give to the persons elected certificates of election, which book, containing such minutes, shall be preserved by the Council and shall be evidence in any Court of Law or Equity. All ballots cast and the records of the election shall be preserved in the custody of the Election Board for a period of ten days.

### **Section 11. Organization**

The Members of the Council at their first meeting after said election, or as soon thereafter as may be, shall choose from their own number, a President and a Secretary and Treasurer to serve until the first annual organization meeting after the next preceding election. They may also choose an Assistant Secretary, to serve at the pleasure of the Town Council who may or may not be from among their own number.

### **Section 12. Meeting of the town council**

The Town Council shall hold regular meetings on the last Saturday in the month of January and on the last Saturday in the months of June, July, August and September, at such times and places as may be designated by the Council. Special meetings may be called by the President and shall be called by him upon written request of three members of the Council. Special meetings shall be called in such manner and at such time as shall be prescribed by ordinance or resolution of the Council and the call may be either, written, telegram or oral as designated by ordinance or resolution.

### **Section 13. Quorum**

A majority of the members elected to the Council shall constitute a quorum, but a less number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

### **Section 14. Rules and minutes of town council**

The Council shall determine its own rules and order of business, and shall keep a journal of its proceedings, and the ayes and nays shall be taken upon the passage of every ordinance and resolution and shall be entered in the journal with the text of the ordinance or resolution.

### **Section 15. Vacancy**

In case of vacancy created in the Town Council, by death, resignation or otherwise, the remaining members of the Council may fill such vacancy by appointment. The person so appointed shall serve for the unexpired term or until his or her successors shall be elected and duly qualified.

### **Section 16. Duties of president**

The President shall preside at the meetings of the Town Council. He shall have general supervision of the affairs of the Town; he shall sign all checks for the payment of any moneys and shall perform such other duties as may be prescribed by ordinance or by-laws adopted by the Council.



### Section 17. Additional duties of the president

The President shall have jurisdiction and cognizance of all breaches of the peace and other offences committed within the limits of the Town so far as to arrest and hold to bail or fine and imprison offenders, of all fines, penalties and forfeitures prescribed by this Charter or ordinance enacted hereunder; of all neglect, omissions or defaults of any member of the police force or Town officer, agent or employee; provided that he shall impose no fine or penalty in excess of that fixed by the ordinance, and shall not commit to prison for any longer term than thirty days. The Sussex County Jail may be used for imprisonment under the provisions of this Charter. The President shall also have jurisdiction in suits of civil nature for the collection of Town Taxes, recovery of amounts due and payable for the construction of sidewalks, curbs or pavements, expenses or abatement of nuisances and all other matters which may arise in the proper government and control of the Town under the provisions of this Charter, and within his jurisdiction he shall have all powers and authority and shall be subject to all the limitations of a Justice of the Peace of Sussex County, except as may be herein otherwise provided; and his fee shall be the same as those of the Justices of the Peace for the service. For any service for which no fee is provided such fee may be established by ordinance.

In the event the President of the Town Council does not wish to or is unable to perform the duties and exercise the powers imposed upon him under this section, the Town Council may elect some suitable person to be Alderman to perform said duties, who may or may not be a Justice of the Peace, and who may or may not reside in the Town, to serve at the pleasure of the Council.

The Alderman shall report in writing all fines imposed by him and all fines and penalties and other moneys received by him, when requested so to do by the Treasurer. He shall pay all such moneys to the Treasurer. He shall pay all such moneys to the Treasurer within ten (10) days after making report thereof to the Treasurer, and for failure to make report to the Treasurer or for failure to make payment to the Treasurer for the space of ten (10) days, he shall be deemed guilty of a misdemeanor and shall be punished, upon conviction, as herein provided.

Upon the termination of his authority the Alderman shall forthwith deliver to his successor all books, papers, documents and other things belonging or appertaining to his office and shall pay over to the Treasurer all moneys in his hands belonging to the Town. Upon neglect or failure to make such delivery or payments for the space of ten (10) days, he shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned at the discretion of the Court.

#### **Section 18. Duties of the secretary**

The Secretary shall record all the proceedings of the Council, and shall keep a correct journal of the same in a book to be provided for that purpose; he shall file and keep in a safe place the seal of the Town and all papers and documents relative to the affairs of the Town; and shall deliver the same to his successor in office. He shall also attest the seal of the Town when authorized by the Council and shall perform such other duties and have such other powers as may be prescribed by ordinance. All records, books, papers and documents in the custody of the Secretary shall always be open for the inspection of the Council and public, under such regulations as the Council may prescribe.

#### **Section 19. Duties of the treasurer**

The Treasurer shall be the custodian of all the Town funds and shall deposit them in such banking institutions as may be designated by the Council; he shall pay out no money except upon check or warrant countersigned by the President or Secretary and authorized by the Council; he shall keep a true, accurate and detailed account of all moneys received and of all moneys paid by him; he shall preserve all vouchers for moneys paid by him and his books and accounts shall at all times be open to the inspection of the Council, he shall make such reports with respect thereto as the Council may request and at such times and places as the Council may direct. If the Council by ordinance so provides he shall file a bond with corporate surety for the faithful performance of his duties, in such form and for such amount as the Council shall direct. He shall perform such other duties and have such other powers as prescribed by this Charter and any ordinances.

### **Section 20. Audit**

There shall be an annual audit of the books and accounts of the Town. The audit shall be by an auditing committee appointed by the Town Council consisting of not less than two persons who may or may not be members of the Council and who may or may not be residents of the Town.

### **Section 21. Board of Health**

The Town Council may at their discretion appoint a Board of Health who may or may not be residents of the Town. If and when appointed said Board of Health shall be composed of three members. The Board shall serve for two years; shall have cognizance of all matters pertaining to the life and health of the residents of the Town, shall report to the Town Council in writing whatever is deemed by the Board to be injurious to the health of the people of the Town, and shall make such recommendations to the Council as may, in their judgment, be beneficial or in any way contribute to the sanitation or public health. The Board shall also have all powers enumerated by the laws of the State of Delaware for local Boards of Health.

The power to adopt ordinances relating to the health of the population of the Town, or to prevent the introduction or spread of infectious or contagious disease or nuisances effecting the same shall extend to an area within one mile outside of the limits of the Town.

In the event the Town Council does not deem it necessary to appoint a Board of Health as herein provided said Council shall have all of the duties and powers herein conferred upon the Board of Health.

### **Section 22. Police**

It shall be the duty of the Town Council to appoint a Police force, consisting of a Chief and such number of subordinates as the Town Council may deem advisable; and the Council shall from time to time make rules and regulations necessary for the organization, government and control of the police. The police shall be subject to the direction of the Council and may be re-

moved by the Council at any time. They shall preserve peace and order and shall compel obedience within the limits of the Town to the ordinances of the Town and the laws of the State, and they shall have such other duties as the Council shall from time to time prescribe.

Each member of the police shall be vested, within the Town limits and within one mile outside of said Town limits, with all the powers and authority of a Constable of Sussex County, and in the case of the pursuit of an offender, their power and authority shall extend to any part of the State of Delaware.

Every person sentenced to imprisonment by the President of the Council, Alderman or Justice of the Peace shall be delivered by a member of the police force to the County Jail of Sussex County, to be therein imprisoned for the term of the sentence. In the case of an arrest at a time when the President of the Council, the Alderman or the Justice of the Peace, if there be one, shall not be available to hear and determine the charge, the person arrested may be delivered to the County Jail for imprisonment until such reasonable time thereafter as shall enable the President of the Council, the Alderman, or Justices of the Peace to hear and determine the charge against such person.

### **Section 23. Budget**

Annually each year, and not later than the first day of August, the Town Council shall prepare a budget containing the financial plan for conducting the affairs of the Town for the ensuing fiscal year. The budget shall contain the following information:

1. A detailed statement showing the expenses of conducting each department and office of the Town for the ensuing fiscal year.
2. The value of supplies and materials on hand, together with the nature and kind of any machinery or other implements and the condition thereof.
3. The amount of the debt of the Town, together with a schedule of maturities of bond issues, if any.

4. An estimate of the amount of money to be received from taxes and all other anticipated income of the Town from any source or sources.

The Town Council shall, so far as possible, adhere to the budget so adopted in the making of appropriations, but may revise the same whenever, in the opinion of the Town Council, such revision shall become necessary or advisable.

#### Section 24. Assessments and collection of taxes

The Town Council shall annually appoint an Assessor to assess the value of real estate within the limits of the Town. The Assessor prior to the first Monday in May of each year shall make a just, true and impartial annual valuation or assessment of all real estate and shall on or before the first Monday in June cause a full and complete transcript of said assessment, containing the amount assessed to each person, partnership or corporation, to be hung in a public place in said Town. Notice of the hanging of the list shall be posted in at least three (3) public places in the Town. The Town Council shall at their regular meeting on the last Saturday in the month of July hear appeals from said assessment, and shall increase, decrease or abate such assessment if they deem such action just. The decision of a majority of the Council upon any appeal shall be final and conclusive.

The Town Council shall annually levy a tax thereon not exceeding ten cents (10¢) on each One Hundred Dollars (\$100.00) worth of assessed property.

Whenever the Town Council shall levy a tax, they shall cause to be made out an alphabetical list of the persons charged therein, and shall cause to be affixed thereto the respective sums to be collected from such persons, and a warrant to the Treasurer of the Town to collect the same.

The Treasurer shall within ten (10) days after the receipt of said list and warrant, render to each person named therein an account or tax bill, showing the amount due, either by delivering the same in person, or mailing to the last known Post Office address of the taxable. Not less than sixty (60) days or more

than ninety (90) days after mailing or delivery of said accounts or tax bills to the taxables, as herein provided, the Treasurer shall cause a list of unpaid taxes to be posted in some convenient and public place within the Town. Unless said taxes are paid within thirty (30) days after the posting of said notices, the Treasurer of the Town shall in the name of the Town collect the same with all costs by distress and sale of the real estate and personal property of the delinquent taxable at public auction, after giving at least ten (10) days notice of such sale in some newspaper published in Sussex County.

THE TOWN OF FENWICK ISLAND, DELAWARE by its President with its corporate seal and duly attested by its Secretary shall execute and deliver to the purchaser a deed of the property so sold, and the said deed shall convey to the purchaser the said property, free and clear of all encumbrances against said property arising after the date on which the Town Council levied said tax. Said deed shall be presumptive evidence that all requirements of the law have been complied with in making such sale and deed.

#### Section 25. General powers

THE TOWN OF FENWICK ISLAND, DELAWARE shall have all powers granted to municipal corporations and to cities and towns by the Constitution and general laws of the State of Delaware together with all the implied powers necessary to carry into execution all powers granted. It shall have perpetual succession, and may have and use a corporate seal, which may be altered, changed or renewed at pleasure; may sue and be sued, plead and be empled in any and all courts of Law or Equity in the State of Delaware and elsewhere by its corporate name, and, for the purpose of this Charter, to take, hold, receive and enjoy, any lands, tenements and hereditaments, in fee simple or for a lesser estate or interest, and also goods, chattels, rights and credits, and may sell, lease, hold, manage and control any such property or properties in such manner as the Council may deem expedient and proper for the purposes expressed herein; may appoint such officers and agents and employ such persons as shall be deemed necessary or convenient for the management of the affairs of the Town and may fix and determine the compensation of such officers, agents or employees.

It shall have all other powers and functions requisite to or appropriate for the Government of the Town, or necessary to the public health, safety, comfort or welfare or the protection and preservation of public and private property; and all actions, suits and proceedings shall be brought in the name of "TOWN OF FENWICK ISLAND, DELAWARE."

The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, implied thereby, or appropriate to the exercise thereof, it is intended that the TOWN OF FENWICK ISLAND, DELAWARE, shall have and may exercise all powers which under the Constitution of the State of Delaware, it would be competent by this Charter specifically to enumerate. All powers of the Town, whether expressed or implied, shall be exercised in the manner prescribed by this Charter, or, if not prescribed herein, then in a manner provided by ordinance or resolution of the Council.

#### Section 26. Enumerated powers

By ordinance, rules, regulations, resolutions, and by-laws or amendements to the same, THE TOWN OF FENWICK ISLAND, DELAWARE, for the good government and welfare of the Town, shall have the following powers (which shall not be deemed to be exclusive): to prevent vice, drunkenness and immorality; to preserve peace and good order, to restrain and suppress disorderly houses, gambling houses, houses of ill-fame; to restrain and suppress all instruments and devices for gaming; to prohibit all gaming and fraudulent devices; to prohibit, restrain and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances and exhibitions for money and to license the same, to prevent any horse racing in any street, highway, alley or strand, to authorize the stopping and detention of any person who shall be guilty of any immoderate riding or driving of any horse, or other animal, motor vehicle or other vehicle upon any street, alley, highway, or beach strand, to regulate, control or prohibit the parking of vehicles upon the streets of the Town, to regulate or prohibit the riding or driving of any horse or other animal, motor vehicle or other vehicle upon any beach strand; to establish and regulate one or more pounds, and to

restrain the running at large of horses, cattle, swine, goats or other animals, or geese, chickens, ducks or other poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping, impounding and sale; to authorize the destruction of dogs running at large and to impose taxes on the owner of dogs, to locate, regulate and remove slaughter houses, swine pens, privies and water closets; to restrain drunkards, vagrants, mendicants and street beggars.

THE TOWN OF FENWICK ISLAND, DELAWARE shall, in a like manner, have the power to ascertain and establish the boundaries of all streets, avenues, highways, lanes and alleys in said Town; to prevent and remove all encroachments on said streets, avenues, highways, lanes, alleys, beach or beach strands, to regulate, clean and keep in repair, the streets, highways, lanes, alleys, beach, beach strands, boardwalks, wharves, docks, sidewalks, crosswalks, sewer drains, aqueducts and water courses, and to prevent and remove obstructions in and upon the same in any manner whatsoever; to level, grade, flag or re-flag, curb or re-curb, gutter or re-gutter, pave or re-pave, macadamize, gravel or shell the streets, highway and alleys of said Town, and the sidewalks, crosswalks and gutters thereof, or any of them, or any parts or sections of the same, to prescribe the manner in which such work shall be performed; to enforce the removal of snow, ice and dirt from sidewalks and gutters by the occupant or owner thereof, to prevent or regulate the erections of any stoop, step, platform, bay window, cellar door, gate, area, descent into a cellar or basement, sign or post, or the erection of any projection or otherwise, in, over, under or upon any street, sidewalk or avenue, and to remove the same where already erected, at the expense of the owner or occupant of the premises, to abate or remove nuisances of all kinds at the expense of those maintaining them, and to compel the owner or occupant of any lot, house, building, shed, cellar or place wherein may be carried on any business or calling, or in or upon which there may exist any matter or thing, which is or may be detrimental, in the opinion of the Town Council, or Board of Health, to the health of the inhabitants of the Town, to cleanse, remove or abate the same, under the direction of the Council as often as the said Council or Board of Health may deem necessary for the health and well-being of the inhabitants of the Town; or in a summary manner to cause the same to be done at the expense and proper cost of



such owner or occupant; and such owner or occupant is hereby expressly made liable for said costs and expenses, to be collected, as hereinafter directed, from such owner or occupants in addition to any fine or penalty which he, she, they or it may be liable for maintaining such nuisance.

THE TOWN OF FENWICK ISLAND, DELAWARE shall, in a like manner, have the power to prescribe the manner in which all contracts for performing work or furnishing materials for the Town shall be made and executed, to prescribe the manner in which corporations or persons shall exercise any privileges granted to them in the use of any street, avenue, highway, alley, beach or strand in said Town, or in digging up any street, avenue, highway, or alley, beach or strand for the purpose of laying down pipes, or for any purpose whatsoever, and to prohibit and prevent any such use or work at such times and seasons of the year as they may designate, to enter into contract or contracts with, or to grant franchises, concessions, or rights to any person, firm, partnership or corporation who may apply for the use of any street, highway, avenue, lane, alley, beach or strand for the purpose of furnishing communication services, electric lights, power, gas, heat or water to said Town and its inhabitants, or for the constructions and operation of railways, steam, motor, electrical or other powers, or to regulate, route, grant franchises to and enter into contract or contracts with any other public carrier or for the construction and operation of sewer or other sanitary systems of drainage or for the erection of wharves or piers; to regulate, protect and improve the public grounds of said Town to provide lamps to light the streets in public places of every description in said Town; to erect and regulate wells, pumps, aqueducts and cisterns in the public streets; to prescribe and regulate the places of vending or exposing for sale of any and all articles of merchandise from wagons or other vehicles; provided, that the Town shall have no power to construct a boardwalk along the beach either on private or public property.

THE TOWN OF FENWICK ISLAND, DELAWARE shall, in like manner, have the power to direct and regulate the planting, rearing, treatment and preserving of ornamental shade trees in the streets, highways, avenues, parks and grounds in said Town and to authorize and prohibit the removal or destruction

of said trees; to direct the digging down, draining, filling-up or fencing of lots, tracts, pieces or parcels of ground in said Town, which may be deemed dangerous or unwholesome or necessary to carry out any improvements authorized by the Town or this Charter; to prescribe the manner in which such work shall be performed, and to cause the expenses thereof to be assessed on such lots, tracts, pieces or parcels of ground, whether improved or unimproved, and to determine the time and manner in which such assessment shall be collected; for the prevention of fire and the preservation of the beauty of the Town; to regulate and control the manner of building or removing of dwelling houses or other buildings, and to establish a code for the same, and for the purpose of promoting health, safety, morals, or the general welfare of the town, the Council may regulate and restrict the height, number of stores, and size of buildings and other structures, percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, individual residences, or other purposes and is granted the authority and power vested in municipalities by Title 22, Delaware Code of 1953, Chapter 3, entitled "Municipal Zoning Regulations", and any amendments thereto; to regulate the construction of chimneys; to prevent the setting-up or construction of furnaces, boilers, ovens or other things in such manner as to be dangerous; to prohibit the deposit of ashes in unsafe places, and to authorize any Town Officer or Constable or person whom they may designate for the purpose; to enter upon and inspect any place or places for the purpose of ascertaining whether the same is or are in a safe condition, and if not, to direct or cause the same to be made so; to make, adopt and promulgate all rules and regulations relative to the use of any sewer in said Town and the tapping thereof, including the charge and fee therefor, as they shall deem proper, and they may also adopt ordinances prescribing penalties for any injury to the said sewer system or any part thereof, or for any abuse of any privilege granted in connection therewith, to prescribe the material or private drains or sewers which shall enter into any Town sewer, and shall direct the manner in which they shall be laid.

THE TOWN OF FENWICK ISLAND, DELAWARE shall, in like manner, have the power to regulate or prohibit the carrying on of manufacturers dangerous in causing or promoting

fires; to regulate or prohibit the manufacture, sale or use of fireworks, and the use of firearms in said Town, to regulate or prohibit the use of candles and lights in barns, stables and other buildings; to regulate and prohibit swimming or bathing in the ocean or within waters within the limits of the Town.

THE TOWN OF FENWICK ISLAND, DELAWARE shall further have the power and authority to compel the owners of property within the limits of the Town to keep the same free from unsanitary or unsightly conditions, clear of tall weeds and rubbish, and to fill in any low lots, provided that the Council in its opinion shall deem the same to be unsanitary or unsightly or in any other manner prejudicial to the welfare of the Town or adjoining lot owners. The Council shall have the power and authority to pass any ordinance prohibiting or regulating the same.

THE TOWN OF FENWICK ISLAND, DELAWARE shall, in like manner, have the power and authority to collect license fees annually of such various amount or amounts as the Council shall, from time to time, fix from any individual, firm, association or corporation carrying on or practicing any business, profession or occupation within the limits of the Town, provided, however, that nothing herein shall be so construed as to make it mandatory upon any resident of the State of Delaware to apply for a license in order to sell, in the Town, farm produce or any farm products grown on his or her farm.

THE TOWN OF FENWICK ISLAND, DELAWARE shall also have the power and authority to levy and collect license fees upon the property of any person, firm, association or corporation carrying on business in the Town and supplying the inhabitants thereof with any form or manner of services for any valuable consideration.

The Town Council shall have the power to make and establish such other ordinances, regulations, rules and by-laws, not contrary to the laws of this State, or of the United States, as they may deem necessary to carry into effect the powers and duties imposed upon them by this Charter or any other law of this State, and such also, as they may deem necessary and proper

for the good government protection or preservation of persons and property, or for the preservation of the public health of the City and its inhabitants.

**Section 27. Power to remove obstructions, nuisances, unsanitary or unsightly conditions**

In addition to the power to impose fines and penalties for the maintenance of obstructions, nuisances, or unsanitary conditions, as these terms should be defined, by the Town Council, either upon their own inspection or upon information obtained from the Board of Health, Police force, or citizens of the Town, if the Council shall deem that such obstruction, nuisance, or unsanitary condition should be removed or abated, as the case may be, the Town Council shall enact an ordinance or adopt a resolution, or both, to that effect, and thereupon shall direct the Secretary to forward by registered mail of the United States, in a sealed wrapper, addressed to his or her last known post office address or deliver personally to the person or persons continuing or causing such obstruction, nuisance, or unsanitary conditions, or to the person or persons who are responsible for its existence or continuance, a notice to remove or abate the same. If such person or persons refuse or neglect, for the space of fifteen (15) days after such notice is mailed or for the space of two (2) days if said notice is delivered in person, to remove or abate the same, the Council shall issue a warrant in the name of the TOWN OF FENWICK ISLAND, DELAWARE, commanding such person or persons forthwith to remove or abate such obstruction, nuisance, or unsanitary condition, and shall forthwith proceed to remove or abate the same and, to that end, shall have full power and authority to enter into and upon any lands and premises within the limits of the Town. The Council, or anyone designated by them, shall likewise have the authority to take with them such assistants, implements, machinery or other things as may be necessary and proper to do and perform all matters and things in connection with the removal or abatement of such obstructions, nuisance, or unsanitary condition. At the next regular or special meeting of the Council, the Council shall specify the costs and expenses of all necessary work, labor and proceedings, incurred in the abatement or removal of the same. The Council shall then issue a warrant, containing an itemized account thereof, together with the name and last known

address of the person from whom the Town Council shall have determined the amount due and shall deliver such warrant to the Treasurer of the Town. The warrant shall command the Treasurer forthwith to collect the amount stated to be due thereon from the person or persons designated therein. The Treasurer shall forward to such person or persons in a sealed wrapper a true and correct copy of the warrant by depositing the same in the United States mail and addressed to such person or persons last known post office address or serve personally upon said person if he be within the limits of the Town. If such person or persons shall refuse or neglect to pay the same within thirty (30) days from the date of the mailing of such notice and exact copy of the warrant, or the service of the same personally upon such person or persons, the Treasurer shall then be authorized and required to collect the same in the same manner as herein provided for the collection of delinquent Town taxes.

#### **Section 28. Side walks, boardwalks, curbing and gutters**

In respect to leveling, grading, flagging or re-flagging, curbing or re-curbing, guttering or re-guttering, paving or re-paving, building or re-building, the sidewalks, boardwalks, crosswalks and gutters of the Town, the expense thereof shall be borne by the owner of the property abutting upon the same, and the Town Council shall have the authority to specify the manner of performance and the materials to be used therein.

The Council is authorized to notify and direct, in writing, the owner or owners of any house or land in said Town, along, in front of or adjoining which they deem proper that a pavement, sidewalk, or a curb or gutter or both be constructed, to construct said sidewalk, boardwalk or curb or gutter, or both, and the Council shall have the authority to specify the manner of performance and the materials to be used therein. Letters to one joint owner shall be notice to all. In case the owner shall not reside in the Town at the time, notice to the occupant or tenant shall be deemed to be a sufficient notice. If there be no occupant or tenant residing in the Town at the time, such notice may be sent by mail to the owner, directed to him or her at his or her last known post office address. Should such owner neglect or refuse to comply with said notice for the space of thirty (30) days, the Council shall issue a warrant in the name of the Town,

directed to the Treasurer or the Chief of Police, demanding such person forthwith to do their work as specified in the above mentioned notice to the owner or owners. Whereupon the person to whom said warrant shall have been directed shall forthwith proceed to lay such pavement, sidewalk, curbs or gutters, or either or both, as directed in the warrant. To that end he shall have full power and authority to enter in any premises or lands of the Town, and to take with him such assistants, materials, implements, machinery or other things as may be necessary or proper to perform the work specified in the warrant. At the next regular or special meeting of the Council, after the delivery of the warrant, upon return thereon accompanied by an itemized statement of all costs incurred in the performance of necessary work and labor incident thereto, the Council shall determine the amount due the Town by reason of the work done, and shall issue a warrant thereon, directed to the Treasurer or Chief of Police, which shall contain the amount to be by him collected, and the person or persons from whom it shall be by him collected and commanding him forthwith to collect the same from the person or persons so specified in the warrant. A true and exact copy of this warrant shall be mailed or served upon the person or persons therein specified. If the amount specified as due the Town shall not have been paid to the Town within thirty (30) days from the date of service of such true and exact copy of the warrant, the Treasurer shall then be authorized and required to collect the same in the same manner as herein provided for the collection of delinquent Town taxes.

#### Section 29. Streets

THE TOWN OF FENWICK ISLAND, DELAWARE shall have the power and authority to locate, lay out and open new streets and to widen or abandon the same, or parts thereof, whenever the Town Council shall deem it for the best interest of the Town. In such case, the Council shall adopt a suitable resolution, which shall include a general description of the street to be opened, widened or altered or to be vacated or abandoned, as the case may be, stating the day, hour and place where the Council will sit to hear and determine objections, and to award damages by reason thereof. Copies of such resolution shall be

posted in at least three public places in the Town at least five days prior to the day fixed by the Council for the hearing referred to in said resolution.

At said hearing, the Council shall hear objections to the proposed resolution and/or any damages which might be sustained by any owners of property affected thereby, and shall award just and reasonable compensation to any person or persons who shall be deprived of property by virtue thereof.

In the event any person refuses to accept the award of damages made by the Council, the Town Council may proceed in the name of the Town to condemn the property of the person refusing to accept said award, under the provisions of Chapter 61, Title 10, Delaware Code of 1953, as now or hereafter amended.

**Section 30. Jetties, bulkheads, embankments, and piers or structures**

THE TOWN OF FENWICK ISLAND, DELAWARE shall have the power and authority to locate, lay-out, construct, widen, extend, improve, repair, vacate or abandon jetties, bulkheads and embankments, piers or other structures for the preservation of any beach or strand within the limits of the Town or contiguous thereto, to the end that the same may be preserved and property may be protected, and the general public may enjoy the use thereof. In the locating, laying-out, constructing, widening, extending, improving, repairing, vacating or abandoning of any such jetties, bulkheads, embankments, piers or other structures the Council shall have full power and authority to use such materials and substances and such methods of construction and shall employ such contractors, engineers, inspectors and others as the Council shall deem expedient and advisable. For the purpose of this Section the Council shall have full power and authority to expend such part or parts of the money of the Town, in the general fund of the Town not otherwise appropriated.

The Council may, by condemnation proceedings, take private lands or the right to use private lands for any of the purposes mentioned in this Section. The proceedings by condemnation under this Section shall be the same as prescribed in Section

29 of this Charter for the opening and laying out of new streets or the vacating or abandoning of old streets and the resolutions referred to in said Section 29 shall be changed and modified to cover cases contemplated by this present Section.

### **Section 31. Drainage**

THE TOWN OF FENWICK ISLAND, DELAWARE shall have full jurisdiction and control within the limits of the Town, of the drainage of all water thereof, together with the right to alter and change the course and direction of any of the natural water courses, runs and rivulets within the limits of the Town and the Council may pass ordinances for the opening of gutters, surface water and underground drains and sewers within the limits of the Town. The TOWN OF FENWICK ISLAND, DELAWARE shall also have full power to regulate, maintain, clean and keep the natural water courses, runs and rivulets within the Town limits open and clean and unobstructed and for that purpose may authorize the entry upon private lands and take, condemn and occupy the same in the same manner and by the same condemnation proceedings as hereinbefore provided by Section 29 of this Charter, which is concerned with the opening and laying out of any streets. By like proceedings the Town shall also have the power and authority to enter upon private lands and take, condemn and occupy the same for the purpose of laying down gutters, surface water and underground water drains or sewers, or any of them, within the Town limits. Provided, however, that the resolutions referred to in Section 29 of this Charter shall be changed and modified to cover those cases contemplated by this particular Section of the Charter.

### **Section 32. Additional rights of condemnation**

THE TOWN OF FENWICK ISLAND, DELAWARE shall have the power to acquire lands, tenements, property or interest therein, by condemnation for the purpose of providing sites for public buildings, parks, sewers, sewerage disposal and/or for any other municipal purpose, whether within or without the limits of the Town. The procedure shall be in accordance with and under the provisions of Chapter 61, Title 10, Delaware Code of 1953, as now or hereafter amended.

Approved July 8, 1953.



## CHAPTER 303

## RELATING TO TOWN OF GEORGETOWN

AN ACT TO AMEND AN ACT ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE TOWN OF GEORGETOWN", BEING CHAPTER 166, VOLUME 43, LAWS OF DELAWARE, AS AMENDED, BY CHANGING CERTAIN REQUIREMENTS FOR THE ANNUAL MUNICIPAL ELECTION, VIZ: THE NOTICE REQUIRED THEREFOR, THE TIME FOR APPOINTMENT OF THE ELECTION BOARD, THE QUALIFICATION OF ELECTORS WITH RESPECT TO THE PAYMENT OF DELINQUENT TAXES, THE TIME AND THE PROCEDURE FOR THE FILING OF CANDIDATES, AND PROVIDING FOR THE USE OF OFFICIAL BALLOTS; CHANGING THE TIME FOR POSTING THE ANNUAL ASSESSMENT LIST, HEARING APPEALS THEREON AND GIVING NOTICE THEREOF; MODIFYING THE PROCEDURE FOR THE BILLING, COLLECTION AND PAYMENT OF TAXES, AND ELIMINATING THE ALLOWANCE OF ABATEMENTS; REPEALING THE EXEMPTION OF FARM LAND FROM TAXATION, AND MAKING PERSONAL OR CAPITATION TAXES LIENS AGAINST REAL ESTATE; INCREASING THE LIMIT UPON BONDED INDEBTEDNESS; ENLARGING THE POWER OF THE COUNCIL WITH RESPECT TO NUISANCES; GIVING THE COUNCIL CERTAIN POWERS OVER NEW DEVELOPMENTS AND SUBDIVISIONS; PROVIDING FOR THE APPORTIONMENT AND ASSESSMENT OF SEWER CONSTRUCTION COSTS AND THE LIEN THEREOF; PRESCRIBING THE JURISDICTION AND POWERS OF THE COUNCIL WITH RESPECT TO DRAINAGE IN THE TOWN; AND INCREASING THE LIMITATION UPON BORROWING FOR CURRENT EXPENSES.

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members elected to each Branch thereof concurring therein):*

Section 1. Paragraph (a) of Section 5, Chapter 166, Volume 43, Laws of Delaware, as amended, is amended by striking

out the word "ten" appearing in the seventh line of said paragraph and inserting in lieu thereof the words "twenty-one".

Section 2. Section 5, Chapter 166, Volume 43, Laws of Delaware, as amended, is amended by striking out all of paragraph (b) and substituting in lieu thereof a new paragraph as follows:

(b) The election shall be held under the supervision of an Election Board consisting of three adult citizens of the Town, to wit, an Inspector and two other citizens, residing in said Town, all to be appointed by the Council as hereinafter provided. The Election Board shall be Judges of the Election, and shall decide upon the legality of the votes offered.

Section 3. Section 5, Chapter 166, Volume 43, Laws of Delaware, as amended, is amended by striking out all of paragraph (c) and substituting in lieu thereof a new paragraph as follows:

(c) Every resident of the Town, male or female, who is twenty-one years of age or older and who has resided in said Town for at least six months next preceding the day of said election, and who is not delinquent in respect of any tax levied by the Town, shall be entitled to vote at said election; provided, however, that the delinquent tax of any resident taxable must be paid prior to the day of said election in order to qualify him or her to vote on the day of such election.

Section 4. Section 5, Chapter 166, Volume 43, Laws of Delaware, as amended, is amended by striking out all of paragraph (h) and substituting in lieu thereof a new paragraph as follows:

(h) All persons desiring to be candidates for the office of Mayor or Councilman, as the case may be, at said municipal election, shall file with the Secretary of the Council or other Clerk in charge, at the business office of the Council, during the usual business hours and not later than five o'clock in the afternoon on the tenth day immediately preceding the day of said election, a written statement of such candidacy upon suitable forms or blanks furnished by the Council, which said statement

shall be dated, signed by the candidate, and witnessed by at least two adult residents of the town; and the name of any person whose candidacy has not been so filed shall not be placed upon the ballot for said election.

Section 5. Section 5, Chapter 166, Volume 43, Laws of Delaware, as amended, is amended by adding thereto a new paragraph to be designated as paragraph (i) as follows:

(i) The Council shall hold a meeting as soon as conveniently possible after the close of the time for the filing of candidates as aforesaid, and at said meeting shall appoint an Election Board, ascertain whether candidates are qualified, and authorize the printing of the official ballots for said election.

Section 6. Section 5, Chapter 166, Volume 43, Laws of Delaware, as amended, is amended by adding thereto a new paragraph to be designated as paragraph (j) as follows:

(j) The Council shall cause to be printed in such form as it shall deem advisable, a ballot bearing the words "Official Ballot" and listing the names of all candidates who have duly filed and are duly qualified under this statute, and shall furnish a sufficient supply of the same for use at said municipal election; and any unofficial ballot cast at said election shall not be counted.

Section 7. The first paragraph of Section 12, Chapter 166, Volume 43, Laws of Delaware, as amended, is amended by striking out all of the sixth, seventh and eighth sentences in said paragraph and substituting in lieu thereof the following:

The said list of assessment shall be completed and a copy thereof delivered to the Council by the Assessor not later than the twentieth day of March in each and every year. It shall be the duty of the Council to examine said list carefully and to make such changes as to assessments, either by raising or lowering such assessments, or by assessing any persons, property and estates omitted, as they may deem proper, and to approve the same by the first day of April. On approval of said assessment list by the Council, it shall be the duty of the Council in each and every year, to post a copy of such assessment list in the County Court House in said Town and to keep a copy of said

list open to inspection at its office, for the period from the first day of April to the tenth day of April, inclusive, for the information of and examination by all persons concerned, and public notice of the posting of the same shall be given by printed notices to be placed in six public places in said Town at least one week prior to the posting of said assessment list as aforesaid.

Section 8. The second paragraph of Section 12, Chapter 166, Volume 43, Laws of Delaware, as amended, is amended by striking out the word "Monday" appearing in the second sentence of said paragraph and inserting in lieu thereof the word "Tuesday".

Section 9. Section 12, Chapter 166, Volume 43, Laws of Delaware, as amended, is amended by striking out all of the fourth paragraph and inserting in lieu thereof a new paragraph as follows:

After the Council has ascertained the sum necessary to be raised in the said Town for the purpose of this Act, and has apportioned the same on the assessment valuation as aforesaid, it shall forthwith deliver a copy of the assessment list to the Treasurer of the said Town, who shall make out all bills representing Town taxes and shall place them in the mail not later than the first day of May. All taxes shall become due on the first day of May in each year, and shall be payable to the Treasurer at the business office of the Council on or before the thirty-first day of May in each year without any abatement. All taxes remaining unpaid on the first day of June in each year shall be deemed delinquent, and upon all taxes paid after the thirty-first day of May of each year in which the same shall be levied, there shall be added thereto a penalty of one per centum (1%) per month until the same shall be paid.

Section 10. The sixth and seventh paragraphs of Section 12, Chapter 166, Volume 43, Laws of Delaware, are repealed.

Section 11. Section 13, Chapter 166, Volume 43, Laws of Delaware, as amended, is amended by striking out all of the first paragraph of said Section and substituting in lieu thereof a new paragraph as follows:

After the thirty-first day of May, the Treasurer shall compile immediately a list of all delinquent taxables showing the

name and address of each such taxable, and opposite the name of each, the amount of the real estate and personal assessment, distinguishing between them, and also the tax levied on each person and the tax on the whole valuation, and the rate per hundred dollars, and shall deliver said list forthwith to the Council.

Section 12. The third paragraph in Section 13, Chapter 166, Volume 43, Laws of Delaware, as amended, is repealed.

Section 13. Section 13, Chapter 166, Volume 43, Laws of Delaware, as amended, is amended by adding to the fourth paragraph of said section the following sentence:

All personal or capitation taxes assessed and laid against any resident of the town shall also become a like first lien against all real estate of such taxable situated within said town.

Section 14. Section 20, Chapter 166, Volume 43, Laws of Delaware, as amended, is amended by striking out paragraph (d), now appearing in said section and inserting in lieu thereof a new paragraph as follows:

(d) The bonded indebtedness under this section shall not at any one time in the aggregate exceed the total of fifteen per centum (15%) of the value of the real property within the limits of the Town as shown by the last assessment preceding the creation of the said indebtedness.

Section 15. Paragraph (a) of Section 22, Chapter 166, Volume 43, Laws of Delaware, is amended by adding to said paragraph the following sentence:

The power of the Council to enact ordinances governing nuisances shall include the power to locate, regulate, remove and prohibit the raising or keeping of poultry, swine and other animals, and the keeping of poultry, swine and other animal yards, pens, pounds, and houses, within the limits of said Town.

Section 16. Section 22, Chapter 166, Volume 43, Laws of Delaware, as amended, is amended by adding to said Section a new paragraph designated as paragraph (f) as follows:

(f) The Council may require every person, firm or corporation hereafter desiring to lay out and establish any new devel-

opment, sub-division, plot or plan of any lot or lots for residential, commercial or industrial purposes within the limits of the town, or desiring to make any change in any existing development, sub-division, plot or plan, to make an application to the Council for a permit and to submit to the Council for its approval the proposed plan therefor showing the location, shape and size of the lot or lots therein, the location and width of all proposed streets or ways therein, the relation of such proposed streets or ways to the existing streets and ways in the town, the provisions to be made for drainage, sewage disposal, water, electricity, telephone and other utilities therein, and such other information as the Council may reasonably require. The Council may issue its permit or approval subject to such terms and conditions as it may deem to be in the public interest of the town, and no person, firm or corporation shall proceed to finally lay out, establish, make any change in, sell any lot or lots or erect any building or buildings in, any such development, sub-division, plot or plan, without having first obtained a permit or approval of the Council therefor and complying with the terms or conditions of said permit or approval.

Section 17. Section 26, Chapter 166, Volume 43, Laws of Delaware, as amended, is amended by adding to said section the following new paragraphs:

The Council is authorized and empowered to construct and install additional sanitary sewers and facilities in accordance with any plan that may be adopted from time to time, as it may deem necessary or advisable to meet the needs of the Town. The cost of constructing and installing such sewers and facilities may be assessed, in whole or in part, against the properties abutting upon or served by such sewer construction in the manner hereinafter set forth.

Whenever the Council shall determine, either on petition by a majority in number or in interest of the property owners abutting any proposed sanitary sewer construction, or on its own initiative, that such construction of any sanitary sewer is required, it shall order its Sewer Inspector or engineer to undertake the work and surveys necessary to make a report estimating the approximate whole cost of such construction. The Council shall apportion the said cost, or the portion of said cost

that is to be borne by the abutting property owners, to each lineal foot of the property abutting upon that portion of the street in which any sewer may be constructed hereunder, and the said cost per lineal foot shall be assessed against and paid for by the abutting property upon the streets in which said sewers are constructed at the time of completing each sewer. In the case of property situated at the corner of two such streets or otherwise so situated as to be assessed for the cost of building a sewer in one of such streets, only the front of such property shall be liable for such assessments; provided, however, that the Council shall in all such cases decide what portion of the corner property shall be considered the front and what portion shall be considered side frontage; and provided, further, that in the case of all corner properties the side frontage shall not exceed one hundred and twenty (120) feet; and side frontage thus determined, not in excess of one hundred and twenty (120) feet, shall be exempt from the payment of any sewer assessment, unless the owner thereof should, after the side frontage is fixed as aforesaid, decide to make such side frontage the front of said property, in which case said property shall bear such additional assessment as the Council shall determine. No property shall be assessed for the construction of any sewer unless such property or some portion thereof shall abut upon the street in which said sewer shall have been constructed, or unless such property has a right of access to said street, or desires to use said sewer before a sewer is constructed upon the street upon which said property abuts, or is so situated that it must be served by the sewer which has been constructed, in which case such property shall be liable for the same assessment as though the sewer was constructed in the portion of the street upon which said property abuts, and said property shall not be liable for any further assessment for sewer purposes. The word "street" as used herein shall be deemed to comprehend and include highways, roads, lanes and alleys.

Before proceeding with such sewer construction or making any such assessments of the cost thereof, the Council shall, by a majority vote, adopt a resolution giving a general description of the proposed sewer construction, the total cost to be borne by the abutting property, the proposed apportionment thereof and the amounts proposed to be assessed against the respective abut-

ting properties and property owners. The resolution shall also state the day, hour and place the Council will sit to hear objections to the proposed sewer construction or to the proposed assessments of cost. A copy of such resolution shall be sent to all abutting property owners affected, at least five (5) days before the day fixed for the hearing, by personal service or by registered mail addressed to their last known post office address. At the time and place fixed in said resolution, the Council shall hear such owners of the property affected as may attend, and shall at said meeting or at a subsequent day as they shall deem proper, adopt a resolution by a majority vote to proceed with or to abandon, as they shall deem advisable in the public interest, the proposed sewer construction or any part thereof, as contemplated in the prior resolution. In case the determination shall be to proceed with the proposed construction, the Council shall thereafter fix the assessments of the cost thereof after making such corrections or adjustments as they shall deem proper or as the circumstances may require.

All assessments made hereunder shall be a lien upon the property upon which they are made from the date upon which they are certified by the Secretary of the Council to the Treasurer of Georgetown for collection, and such lien shall have priority against any lien, encumbrance or conveyance made or suffered by the owner or owners of such property after the date of certifying such assessment as aforesaid. Any such assessment shall become due and payable upon the date it is certified for collection as aforesaid, and the Treasurer shall render forthwith the bill for the same. Upon all assessments not paid within ninety days, interest at the rate of six per centum (6%) per annum may be charged from ninety days after the date of the certifying of such assessment as aforesaid until the same is paid in full. If any such assessment or part of such assessment shall remain unpaid at the end of one year after the date of the certifying as aforesaid, the Council may issue a warrant directed to the Collector of Taxes, commanding him to levy the same with the interest thereon accrued, and all costs thereon, upon the property upon which it is a lien and to advertise and sell said property in the same manner provided for the collection of town taxes.



Section 18. Chapter 166, Volume 43, Laws of Delaware, as amended, is amended by inserting therein a new section to be designated as Section 26A as follows:

Section 26A. The Council shall have full jurisdiction and control within the limits of the Town, of the drainage of all water thereof, together with the power to alter and change the course and direction of any of the natural water courses, runs or rivulets within the limits of the Town; to open or construct such gutters, ditches, drains and drainage sewers within the limits of said Town as it may deem necessary; and to regulate, maintain, clean, and keep the same open and unobstructed. For such purposes the Council shall have the power and authority to enter upon private lands and take, condemn and occupy the same in the same manner as hereinbefore provided in the case of condemning land for streets and highways, with the necessary changes as to detail.

In any case where any portion of the Town shall be drained by any public or taxable ditch organized under the ditch or drainage laws of the State of Delaware, the Council is empowered to assume and pay to the ditch company or organization in charge of the management of such ditch, a fair share of the cost of opening, constructing or maintaining said ditch, according to the benefits received therefrom by the town; and for this purpose the Council shall have power to enter into such agreements or arrangements with any such ditch company or organization as it may deem proper. In any such case the Council may provide that the share of the costs which it undertakes to assume and pay on behalf of the Town, shall be in lieu of ditch taxes or assessments against any or all of the individual lot or property owners within the limits of the Town who may be benefited by such ditch and might otherwise be subject to ditch taxes or assessments thereon.

Section 19. Section 30, Chapter 166, Volume 43, Laws of Delaware, is amended by striking out said Section and substituting in lieu thereof a new Section 30 as follows:

Section 30. Whenever current receipts are insufficient to provide for the needs of the Town, the Council is authorized to anticipate revenue by borrowing such amounts as are required,

which shall be repaid from current revenue received thereafter; provided, however, that the amount of such indebtedness shall not at any time exceed the aggregate sum of Fifteen Thousand Dollars (\$15,000.00). Indebtedness created hereunder shall be evidenced by bond or note of the Town, and the faith and credit of the Town shall be deemed to be pledged for the due payment thereof. To exercise the power aforesaid, the Council shall adopt, by the affirmative vote of a majority of all members of the Council, a resolution providing for such borrowing.

Section 20. This act shall become effective immediately upon its approval, except that Sections 7, 8, 9, 10 and 11 thereof shall not take effect and become operative until the first day of March following such approval.

Approved July 8, 1953.

## CHAPTER 304

## RELATING TO TOWN OF NEWPORT

**AN ACT TO AUTHORIZE THE COMMISSIONERS OF NEWPORT TO BORROW \$10,000 UPON THE NOTE OF THE TOWN FOR THE PURPOSE OF EXTENSION AND IMPROVEMENT OF WATER PIPES AND SEWER SYSTEMS AND OF MAKING ADDITIONS TO AND IMPROVING THE MUNICIPAL WATERWORKS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of the Members elected to each Branch thereof concurring therein):*

Section 1. The Commissioners of Newport, a Municipal Corporation of the State of Delaware, are hereby authorized and empowered to anticipate current revenue by borrowing an amount not in excess of Ten Thousand (\$10,000) for the purpose of extension and improvement of water pipes and sewer systems and additions to and improving the Municipal Waterworks. The indebtedness created under this provision shall be evidenced by a note or notes of the Town and the faith and the credit of the Town shall be deemed to be pledged thereby.

Approved July 8, 1953.

## CHAPTER 305

## RELATING TO PROTHONOTARY

**AN ACT TO AMEND CHAPTER 23, TITLE 10, DELAWARE  
CODE OF 1953 RELATING TO PROTHONOTARY; COM-  
PENSATION.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 2301, Chapter 23, Title 10, Delaware Code of 1953 is amended by striking out the figures "\$4,200" in paragraph numbered (1) thereof, and substituting in lieu thereof the figures "\$5,400."

Approved July 8, 1953.

CHAPTER 306

RELATING TO COMPENSATION OF CLERKS OF THE PEACE

**AN ACT TO AMEND CHAPTER 94, TITLE 9, DELAWARE  
CODE OF 1953 RELATING TO CLERKS OF THE PEACE;  
COMPENSATION.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 9402, Chapter 94, Title 9, Delaware Code of 1953 is amended by striking out the figures "\$4,200" appearing in paragraph (1) thereof, and substituting in lieu thereof the figures "\$5,400".

Approved July 8, 1953.

## CHAPTER 307

RELATING TO SALARY OF REGISTER OF CHANCERY AND  
CLERK OF THE ORPHANS' COURT

**AN ACT TO AMEND CHAPTER 25, TITLE 10, DELAWARE  
CODE OF 1953 RELATING TO REGISTER IN CHANCERY  
AND CLERK OF THE ORPHANS' COURT; COMPENSA-  
TION.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 2502, Chapter 25, Title 10, Delaware Code of 1953 is amended by striking out the figures "\$4,200" appearing in paragraph (1) thereof, and substituting in lieu thereof the figures "\$5,400."

Approved July 8, 1953.

CHAPTER 308

RELATING TO COMPENSATION OF SHERIFF

**AN ACT TO AMEND CHAPTER 21, TITLE 10, DELAWARE  
CODE OF 1953 RELATING TO SHERIFF; COMPENSA-  
TION.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 2101, Chapter 21, Title 10, Delaware Code of 1953 is amended by striking out the figures "\$4,200" appearing in paragraph (1) thereof, and substituting in lieu thereof the figures "\$5,400."

Approved July 8, 1953.

## CHAPTER 309

## RELATING TO ANIMAL HEALTH

**AN ACT AMENDING CHAPTER 71, TITLE 3, DELAWARE CODE OF 1953, RELATING TO ANIMAL HEALTH, BY PROHIBITING THE FEEDING OF UNCOOKED GARBAGE TO HOGS BY COMMERCIAL GARBAGE COLLECTORS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 71, Title 3, Delaware Code of 1953, is amended by adding at the end thereof a new section to read as follows:

**§ 7108. Feeding of uncooked garbage to hogs**

It shall be unlawful for any person who collects garbage within any county, city, town or political subdivision thereof to feed such garbage to hogs in this State until such garbage has been thoroughly cooked.

Approved July 8, 1953.



CHAPTER 310

RELATING TO COMPENSATION OF COUNTY COMPTROLLERS

**AN ACT TO AMEND CHAPTER 93, TITLE 9, DELAWARE  
CODE OF 1953, RELATING TO COUNTY COMPTROLL-  
ERS; COMPENSATION.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 9306 is amended by striking out the figures  
"\$4,200" appearing in line 1 of the first paragraph thereof, and  
substituting in lieu the figures "\$5,400".

Approved July 8, 1953.

## CHAPTER 311

## APPROPRIATION

## DELAWARE STATE HOSPITAL AT FARNHURST

**AN ACT APPROPRIATING FUNDS TO THE STATE BOARD OF TRUSTEES OF THE DELAWARE STATE HOSPITAL AT FARNHURST FOR CAPITAL IMPROVEMENTS TO THE SEWERAGE, ELECTRIC AND WATER FACILITIES AT THE STATE HOSPITAL.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of \$111,000 or so much thereof as may be necessary is appropriated to the State Board of Trustees of the Delaware State Hospital at Farnhurst to be used for the following facilities:

Sewage tie in with County system .....	\$ 31,000
Electric sub-station equipment and street lighting .....	38,000
New water tank .....	42,000
	<hr/>
	\$111,000

Section 2. The funds herein appropriated shall not revert to the General Fund at the end of any fiscal year but shall remain and be available until the project is completed and paid for at which time whatever remains will revert to the General Fund.

Section 3. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated unless an omnibus bond bill, including the above appropriation, is enacted into law by the 117th General Assembly of the State of Delaware in which event the above appropriation shall be paid out of moneys received by the sale of bonds authorized under said Act.

Approved July 8, 1953.

## CHAPTER 312

## APPROPRIATION

## DELAWARE STATE HOSPITAL AT FARNHURST

**AN ACT TO APPROPRIATE FUNDS TO THE STATE BOARD OF TRUSTEES OF THE DELAWARE STATE HOSPITAL AT FARNHURST FOR THE REMODELING OF THE MAIN BUILDING AND FOR EQUIPMENT AT THE STATE HOSPITAL.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of \$134,000 or so much thereof as may be necessary is appropriated to the State Board of Trustees of the Delaware State Hospital at Farnhurst for the remodeling and equipment of the main building at the Delaware State Hospital.

Section 2. The funds herein appropriated shall not revert to the General Fund at the end of any fiscal year but shall remain and be available until the project is completed and paid for at which time whatever remains will revert to the General Fund.

Section 3. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware not otherwise appropriated, unless an omnibus bond bill including the above appropriation is enacted into law by the 117th General Assembly of the State of Delaware, in which event the above appropriation shall be paid out of moneys received by the sale of bonds authorized under said Act.

Approved July 8, 1953.

## CHAPTER 313

## APPROPRIATION

## DELAWARE COMMISSION OF SHELL FISHERIES

**AN ACT APPROPRIATING CERTAIN MONEYS TO THE  
DELAWARE COMMISSION OF SHELL FISHERIES FOR  
THE PURPOSE OF HAVING AN AERIAL SURVEY  
MADE OF THE OYSTER BEDS IN DELAWARE BAY  
AND HAVING THE BEDS STAKED.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is appropriated the sum of Five Thousand Dollars (\$5,000.00) to the Delaware Commission of Shell Fisheries, for the purpose of having an aerial survey made of the oyster beds in Delaware Bay and having the beds staked out in conformity with the survey.

Section 2. The sum hereby appropriated shall be paid out of the General Fund from time to time by the State Treasurer upon warrants submitted by said Commission.

Section 3. This bill shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury, not otherwise appropriated, and any funds hereby appropriated remaining unexpended on July 1, 1955 shall revert to the General Fund.

Approved July 8, 1953.

## CHAPTER 314

## RELATING TO CITY OF DOVER

**AN ACT TO AMEND THE CHARTER OF THE CITY OF DOVER, CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, BY AUTHORIZING THE COUNCIL TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE CERTAIN TERRITORIES AFTER A SPECIAL ELECTION OF THE QUALIFIED VOTERS AND REAL ESTATE OWNERS OF THE TERRITORY PROPOSED TO BE ANNEXED.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each Branch thereof concurring therein):*

Section 1. That Chapter 158, Volume 36, Laws of Delaware, be and the same is hereby amended by adding at the end of Section 1 thereof a new section, to be known as Section 1 A, to read as follows:

Section 1 A. The City of Dover is hereby authorized and empowered, subject to special elections as hereinafter provided, to extend its boundaries to include the following described territories:

I. BEGINNING at the intersection of the south line of Walker Road with the east right of way line of the Delaware Railroad at the present northwest corner of the Dover City limits; thence running with the south line of Walker Road in a westerly direction to the intersection of the south line of Walker Road with the east line of Saulsbury Road; thence running with the east line of Saulsbury Road in a southerly direction to the intersection of the east line of Saulsbury Road with the extension of the south line Fulton Street at a present corner of the Dover City Limits; thence running with the extension of the south line of Fulton Street in an easterly direction to the intersection of the south line of Fulton Street with the east line of the Delaware Railroad; thence running with the east line of the Delaware Railroad in a northwesterly direction to the place of beginning.

II. BEGINNING at the intersection of the east line of the Delaware Railroad with the south line of North Street or the Hazletville Road at a present corner of the Dover City Limits; thence running with the south line of the Hazletville Road in a westerly direction to the intersection of the south line of the Hazletville Road with the extension of the east line of Saulsbury Road at a present corner of the Dover City Limits; thence running with the extension of the east line of Saulsbury Road and with the extension of the west line of the present Dover City Limits in a southerly direction to the intersection of the extension of the east line of Saulsbury Road and the west line of the Delaware Railroad; thence running with the west line of the Delaware Railroad in a northerly direction to the intersection of the west line of the Delaware Railroad with the extension of the North line of Wyoming Avenue; thence running with the extension of the north line of Wyoming Avenue in an easterly direction to the intersection of the extension of the north line of Wyoming Avenue with the east line of the Delaware Railroad at a present corner of the Dover City Limits; thence running with the east line of the Delaware Railroad in a north-easterly and northerly direction to the place of beginning.

III-1. BEGINNING at the intersection of the extension of the north line of Wyoming Avenue with the east line of the Delaware Railroad at a present corner of the Dover City Limits; thence running with the extension of the north line of Wyoming Avenue in a westerly direction to the intersection of the extension of the north line of Wyoming Avenue and the west line of the Delaware Railroad; thence running with the west line of the Delaware Railroad in a southwesterly direction to the intersection of the west line of the Delaware Railroad with the south bank of Puncheon Run stream; thence running with the various wanderings and meanderings of the south bank of Puncheon Run stream in an easterly direction to the intersection of the south bank of Puncheon Run stream with the west bank of St. Jones River; thence running with the various wanderings and meanderings of the west bank of St. Jones River in a northerly direction to the intersection of the west bank of St. Jones River with the south line of Roosevelt Avenue; thence running with the south line of Roosevelt Avenue in a westerly direction to the intersection of the south line of Roosevelt Avenue with the east

line of State Street; thence running with the east line of State Street in a northerly direction to the intersection of the east line of State Street with the extension of the north line of Wyoming Avenue; thence running with the extension of the north line of Wyoming Avenue and with the north line of Wyoming Avenue in a westerly direction to the place of beginning.

III-2. BEGINNING at the intersection of the south line of a 15 foot wide alley which runs parallel to and south of Lotus Street with the east line of State Street at a present corner of the Dover City Limits; thence running with the east line of State Street in a southerly direction to the intersection of the east line of State Street with the south line of Roosevelt Avenue; thence running with the south line of Roosevelt Avenue in an easterly direction to the intersection of the south line of Roosevelt Avenue with the west bank of St. Jones River; thence running with the west bank of St. Jones River with its various wanderings and meanderings in a northerly direction to the intersection of the west bank of St. Jones River with the extension of the south line of the aforementioned 15 foot wide alley running parallel to and south of Lotus Street, and said point of intersection being the present southeast corner of the Dover City Limits; thence running with the extension of the south line of said 15 foot wide alley and with the south line of said 15 foot wide alley in a westerly direction to the place of beginning.

IV. BEGINNING at the intersection of the south line of Walker Road with the east line of State Street at the present northeast corner of the Dover City Limits; thence running with the east line of State Street in a southerly direction to the intersection of the east line of State Street with the north line of Monroe Street at a present corner of the Dover City Limits; thence running with the north line of Monroe Street and with the extension of the north line of Monroe Street in an easterly direction to the intersection of the extension of the north line of Monroe Street with the west bank of Silver Lake at a present corner of the Dover City Limits; thence running with the various wanderings and meanderings of the west bank of Silver Lake in a southeasterly direction to a point near Silver Lake Dam at the intersection of the west bank of Silver Lake with the west bank of St. Jones River; thence running with the various wanderings and meanderings of the west bank of St. Jones

River in a southerly direction to the intersection of the west bank of St. Jones River with the extension of the dividing line between the Robert E. Lewis Home Property and the former Lewis Mill Property; thence running with the extension of the dividing and with the dividing line between the Robert E. Lewis Home Property and the former Lewis Mill Property in an easterly direction to the intersection of the extension of the dividing line between the Robert E. Lewis Home Property and the former Lewis Mill Property with the east line of the Cowgills Corner Road; thence running with the east line of the Cowgills Corner Road in a southerly direction to the intersection of the east line of the Cowgills Corner Road with the dividing line between lands of the City of Dover Light and Water Plant and lands of the International Latex Corporation; thence running with the dividing line between lands of the City of Dover Light and Water Plant and lands of the International Latex Corporation in a southeasterly direction to the intersection of the dividing line between lands of the City of Dover Light and Water Plant and lands of the International Latex Corporation with the north line of the North Little Creek Road; thence running with the north line of the North Little Creek Road and with the north line of Kings Highway in a westerly direction to the intersection of the north line of Kings highway with the west bank of St. Jones River; thence running with the various wanderings and meanderings of the west bank of St. Jones River in a southerly direction to the intersection of the west bank of St. Jones River with the extension of the south line of the Earle D. Willey Farm; thence running with the extension of the south line of the Earle D. Willey Farm and with the south line of the Earle D. Willey Farm in an easterly direction to the intersection of the south line of the Earle D. Willey Farm with the west right of way line of Bay Road, U. S. Route #113; thence running with the west line of Bay Road, U. S. Route #113, in a northerly direction to the intersection of the west line of Bay Road, U. S. Route #113, with the west right of way line of the Dover By Pass, U. S. Route #13; thence running with the west line of the Dover By Pass, U. S. Route #13, in a northerly direction to the intersection of the west line of the Dover By Pass, U. S. Route #13, with the north line of East Lake Gardens Development as shown on a plot of "East Lake Gardens" of record in the office of the Recorder of Deeds at Dover, Kent County and State of Dela-



ware, in Plot Book #1, page 283; thence running with the north line of said East Lake Gardens in a westerly direction to the intersection of the north line of said East Lake Gardens with the east bank of Silver Lake; thence crossing Silver Lake and Lakeside Cemetery running in a westerly direction to a point at the intersection of the south line of Walker Road with the east line of State Street at the place of beginning.

V. BEGINNING at the intersection of the west line of the Dover By Pass, U. S. Route #13, with the north line of East Lake Gardens Development as shown on a plot of "East Lake Gardens" of record in the office of the Recorder of Deeds at Dover, Kent County and State of Delaware, in Plot Book #1, page 283; thence running with the west line of the Dover By Pass, U. S. Route #13, in a southerly direction to the intersection of the west line of the Dover By Pass, U. S. Route #13, with the west line of Bay Road, U. S. Route #113; thence running with the west line of Bay Road, U. S. Route #113, in a southerly direction to the intersection of the west line of Bay Road, U. S. Route #113, with the south line of the Earle D. Willey Farm; thence running with the extension of the south line of the Earle D. Willey Farm in an easterly direction to a new corner at the intersection of the extension of the south line of the Earle D. Willey Farm with the extension of the east line of Edgehill Acres Development as shown on a plot of "Edgehill Acres" of record in the office of the Recorder of Deeds at Dover, Kent County and State of Delaware, in Plot Book #2, page 46; thence running with the extension of the east line of and with the east line of said Edgehill Acres Development in a northerly direction to the intersection of the east line of said Edgehill Acres Development with the south line of the North Little Creek Road; thence running with the south line of the North Little Creek Road in a westerly direction to the intersection of the south line of the North Little Creek Road with the extension of the east line of Edgehill Development as shown on a plot of "Edgehill" of record in the office of Recorder of Deeds at Dover, Kent County and State of Delaware, in Plot Book #1, page 278; thence running with the extension of the east line of and with the east line of said Edgehill Development in a northerly direction to the intersection of the east line of said Edgehill Development with the south line of the Cowgills Corner Road; thence continuing on the same course and with the extension of the east line of said

Edgehill Development in a northerly direction to the intersection of the extension of the east line of said Edgehill Development with the extension of the north line of the aforementioned East Lake Gardens Development; thence running with the extension of the north line of said East Lake Gardens Development in a westerly direction to the intersection of the north line of said East Lake Gardens Development with the west line of the Dover By Pass, U. S. Route #13, at the place of beginning.

In order to extend the boundaries of The City of Dover the Council shall adopt a resolution proposing the inclusion of one or more of said territories within the limits of The City of Dover and calling for a special election to be held in said territory or territories in accordance with Title 22, Chapter 1, Section 101, Delaware Code of 1953. Said resolution shall specify the date of such election, which shall be not less than thirty nor more than sixty days after the adoption of said resolution, and the place of said election. Said resolution shall be published in at least two issues of a newspaper published in The City of Dover at least two weeks prior to the day of said election.

Elections may be held in more than one of said territories on the same day, but the said elections shall be separate; only the votes of qualified voters and real estate owners of a territory as herein described shall be counted in the election to determine whether that territory shall be annexed.

Any such election shall be held by the election officers of the Election District or Districts of Kent County which shall include the territory proposed to be annexed. Every person who is duly registered upon the Books of Registered Voters for said Election District, or Districts, who is a resident of a territory proposed to be included within the limits of The City of Dover, and who does not own real estate within said territory shall be entitled to one vote at the election to determine whether said territory shall be annexed, and every person of the age of twenty-one years or upwards who is the owner of real estate within a territory proposed to be included assessed to him on the assessment records of Kent County, shall be entitled to one vote for each One Hundred Dollars (\$100.00) or fractional part thereof of the assessed value of said real estate. Owners of real estate in common shall be entitled to vote according to their

respective shares of the assessed value thereof. Owners of real estate by the entireties shall each be entitled to vote one-half of the assessed value thereof. Owners of real estate in joint tenancy shall be entitled to vote according to the assessed value thereof, divided by the number of joint tenants. Life tenants shall be entitled to vote according to the full amount of the assessed value of real estate so held by them, and the holders of remainders or similar interests subject to a life estate shall not be entitled to vote any part of the assessed value of such real estate.

The Council of The City of Dover shall provide the ballots for any such election and shall bear the cost of holding such election. The ballots shall briefly indicate the territory proposed to be included and shall provide two boxes beside which shall appear the word "*FOR* inclusion within The City of Dover" and "*AGAINST* inclusion within The City of Dover". Each voter shall indicate his preference by making a mark in pencil within the box beside the words expressing his preference. The election officers shall note on the outside of each ballot before the same is deposited in the ballot box the number of votes to which the person casting such ballot is entitled.

At any such election the polls shall be open from one o'clock P. M. to seven o'clock P. M. When the polls are closed the election officers shall publicly count the votes and forthwith certify to the Clerk of the Council the number of votes cast for and against inclusion within the city limits. At the next regular or special meeting of the Council the Mayor and Council shall receive the results of the election and make the same a part of the minutes of said meeting.

If a majority of the votes cast in an election held in a territory proposed to be annexed shall be in favor of the inclusion of that territory, the Council shall thereupon adopt a resolution annexing said territory and including the same within the limits of The City of Dover, and from the time of the adoption and approval of said resolution the said territory shall be a part of The City of Dover.

If a majority of the votes cast in an election held in a territory proposed to be annexed shall be against the inclusion of that territory within the limits of The City of Dover, the proposed

annexation of said territory shall be declared to have failed. The Council may thereafter resubmit a proposal of annexation to the voters of said territory under the authority of this Section and in accordance with the provisions hereof, provided that no such special election shall be held in any territory within two years of the day of a special election in said territory in which a proposed annexation has failed.

Approved July 8, 1953.

## CHAPTER 315

## RELATING TO CORPORATIONS

**AN ACT TO AMEND CHAPTER 1, TITLE 8, DELAWARE CODE OF 1953, RELATING TO CORPORATIONS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all of the Members elected to each House thereof concurring therein):*

Section 1. Subparagraph (1), § 102 (a), Chapter 1, Title 8, Delaware Code of 1953 is amended by striking out said paragraph and inserting in lieu thereof the following:

(1) The name of the corporation, which shall contain one of the words "association", "company", "corporation", "club", "foundation", "incorporated", "institute", "society", "union", "syndicate", or "limited", or one of the abbreviations, "co.", "corp.", "inc.", or "ltd.", or words or abbreviations of like import in other languages (provided they are written in Roman characters or letters), and which shall be such as to distinguish it upon the records in the office of the Secretary of State from the names of other corporations organized under the laws of this State;

Section 2. § 157, Chapter 1, Title 8, Delaware Code of 1953 is amended by striking out all of said section and inserting in lieu thereof the following:

**§ 157. Rights and options respecting stock**

Subject to any provisions in respect thereof set forth in the certificate of incorporation every corporation may create and issue, whether or not in connection with the issue and sale of any shares of stock or other securities of the corporation, rights or options entitling the holders thereof to purchase from the corporation any shares of its capital stock of any class or classes, such rights or options to be evidenced by or in such instrument or instruments as shall be approved by the board of directors. The terms upon which, the time or times, which may be limited or unlimited in duration, at or within which, and the

price or prices at which any such rights or options may be issued and any such shares may be purchased from the corporation upon the exercise of any such right or option shall be such as shall be fixed and stated in the certificate of incorporation or in any amendment thereto, or in a resolution or resolutions adopted by the board of directors providing for the creation and issue of such rights or options, and, in every case, set forth or incorporated by reference in the instrument or instruments evidencing such rights or options. In the absence of actual fraud in the transaction, the judgment of the directors as to the consideration for the issuance of such rights or options and the sufficiency thereof shall be conclusive. In case the shares of stock of the corporation to be issued upon the exercise of such rights or options shall be shares having a par value, the price or prices so to be received therefor shall not be less than the par value thereof. In case the shares of stock so to be issued shall be shares of stock without par value the consideration therefor as to corporations incorporated prior to April 1, 1929, and on or after April 1, 1929, as the case may be, shall be determined in the manner provided in section 153 of this title for the fixing of the consideration for the issue of such stock.

Section 3. § 241, Chapter 1, Title 8, Delaware Code of 1953 is amended by striking out all of said section and inserting in lieu thereof the following:

The incorporators, or the directors if any have been elected and qualified, of any corporation, before the payment of any part of its capital, may file with the Secretary of State an amendment or amendments to its certificate of incorporation, duly signed by the incorporators named in the original certificate of incorporation, or by the directors if any have been elected, and duly acknowledged in the manner required for certificates of incorporation, modifying, changing, or altering its certificate of incorporation in whole or in part.

The Secretary of State shall furnish a certified copy of any such certificate of amendment under his hand and seal of office, and the certified copy shall be recorded in the office of the Recorder of the County in which the original certificate of incor-

poration was recorded, and upon so filing and recording the same, the certificate of incorporation of said corporation shall be deemed to be amended accordingly as of the date on which the original certificate of incorporation was filed and recorded. Nothing herein contained shall permit the insertion of any matter not in conformity with the provisions of this chapter.

Approved July 8, 1953.

## CHAPTER 316

## APPROPRIATION

## FOR PURCHASE OF REGISTRATION BOOKS

**AN ACT TO APPROPRIATE FUNDS TO THE GOVERNOR  
FOR THE PURCHASE OF NEW REGISTRATION BOOKS.**

WHEREAS, the 117th General Assembly has enacted legislation which will require a complete new set of registration books for every election district in the State of Delaware, NOW, THEREFORE

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is hereby appropriated to the Governor of the State of Delaware the sum of \$10,000 or so much thereof as shall be necessary for the purchase of registration books to be used in the various election districts of the State of Delaware. Any of the funds hereby appropriated which have not been expended for the purpose herein mentioned shall revert to the General Fund as of June 30, 1955.

Section 2. This act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved July 8, 1953.



## CHAPTER 317

CORRECTING BOUNDARY DESCRIPTION IN SEVENTH  
REPRESENTATIVE DISTRICT

**AN ACT AMENDING CHAPTER 60 OF THE REVISED CODE OF DELAWARE, 1935, ENTITLED "GENERAL ELECTIONS", BY MAKING A CORRECTION IN THE BOUNDARY DESCRIPTION OF THE THIRD ELECTION DISTRICT OF THE SEVENTH REPRESENTATIVE DISTRICT FOR KENT COUNTY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 60, Revised Code of Delaware, 1935, is amended by striking out of the description of the Third Election District of the Seventh Representative District for Kent County the following words: "in the center of the public road running easterly to Gray's Corner, thence by the center line of said public road", and substituting in lieu thereof the following: "thence by a direct easterly line".

Approved July 8, 1953.

## CHAPTER 318

## RELATING TO CITY OF DOVER

**AN ACT TO AMEND THE CHARTER OF THE CITY OF DOVER, CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, BY REVISING THE PROVISIONS FOR THE CONDUCT OF MUNICIPAL ELECTIONS AND THE QUALIFICATIONS OF VOTERS, THE PROVISIONS FOR THE PAY OF THE MAYOR AND MEMBERS OF COUNCIL; BY AUTHORIZING THE EXTENSION OF THE SEWER SYSTEM OUTSIDE THE CITY LIMITS AND THE IMPOSITION OF SEWER RENTS; BY REVISING THE PROVISIONS FOR BORROWING MONEY FOR MUNICIPAL PURPOSES; BY AUTHORIZING THE ISSUANCE OF BONDS FOR CERTAIN MUNICIPAL PURPOSES PURSUANT TO A REFERENDUM AND BY PROVIDING FOR A REFERENDUM.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members of each Branch thereof concurring therein):*

Section 1. That Chapter 158, Volume 36, Laws of Delaware, as amended, be and the same is hereby further amended by striking out Section 8 of said Chapter and substituting in lieu thereof a new Section 8, to read as follows:

Section 8. (a) The regular municipal election shall be held on the third Monday in January of each year. At each such election the polls shall be opened at 1:00 P. M. and closed at 7:00 P. M. The Council shall designate the place of election and make all necessary rules and regulations not inconsistent with this Charter or with other Laws of the State of Delaware for the conduct of elections, for the prevention of fraud in elections, and for the recount of ballots in case of doubt or fraud.

(b) All elections shall be held by an Election Board which shall consist of the Alderman and two of the four members of Council whose terms of office continue for the year following the election, to be chosen by the Council at a meeting prior to

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(b) All elections shall be held by an Election Board which shall consist of the Alderman and two of the four members of Council whose terms of office continue for the year following the election, to be chosen by the Council at a meeting prior to

the election. The Council may designate such other persons as it shall deem necessary to assist the members of the Election Board in the conduct of the election and counting of the ballots. Should any or all of the members of the Election Board be absent from the place of election at 1:00 P. M. on the day of election or fail or neglect to act in the conduct of such election during the time the polls are open and until the ballots are counted and the results of the election are certified, the voters of the City present at such time may choose from the qualified voters of the City such person or persons as shall be necessary to fill the places made vacant by the absence or neglect aforesaid.

(c) When the polls are closed the Election Board shall publicly count the votes and shall certify the result of the election to each of the persons elected and to the Council. The candidate for the office of Mayor who receives the highest number of votes cast for that office shall be declared to be elected Mayor, and the candidate for the office of Councilman from each district who has received the highest number of votes cast for Councilman in that district shall be declared to be elected to that office. In the event of a tie vote for any office the Election Board shall determine the person elected to that office by lot.

(d) Every resident of The City of Dover who shall have reached the age of twenty-one (21) years, who has resided in The City of Dover for at least six (6) months preceding the day of election, and who is not delinquent in the payment of any tax levied by the City shall be entitled to vote at the regular municipal elections. Any person who by the 31st day of December next preceding the day of a regular municipal election has failed to pay any tax levied against such person or his property by The City of Dover shall be considered delinquent in the payment of his taxes and shall not be eligible to vote.

The Council by ordinance duly adopted may provide for the registration of voters and require that a person otherwise qualified to vote must also be properly registered in order to vote in the municipal elections. Any such ordinance providing for registration of voters shall make adequate provision for the preparation and custody of registration books and for the entry therein of the names of registered voters, their qualifications as such, the fact of their voting at each municipal election, and such

other matters as may be required by this Charter or the Laws of the State of Delaware. Reasonable opportunity shall be provided for voters to register, and there shall be at least three (3) registration days in each year.

(e) The Council shall provide for each election a sufficient number of official ballots printed on white paper and containing the names of the candidates for each office listed in alphabetical order under the names of the offices to which they seek election. The Election Board shall supply one official ballot to each qualified voter as he enters the polls. If a voter spoils a ballot so delivered to him he may be provided with a new ballot only upon the return to the Election Board of the spoiled ballot. No ballot other than an official ballot supplied to a voter as he enters the polls shall be cast at a municipal election, and no official ballots shall be supplied to any person except a voter entering the polls to vote.

The Council may provide sample ballots plainly marked as such and printed on paper of any color except white to be distributed to any voter or candidate who requests them prior to or during an election.

(f) The Council by ordinance duly adopted may provide for the use of voting machines in municipal elections.

Section 2. That Chapter 158, Volume 36, Laws of Delaware, as amended, be and the same is hereby further amended by striking out Section 12 of said Chapter and substituting in lieu thereof a new Section 12, to read as follows:

Section 12. The Mayor and each member of Council shall be paid the sum of Ten Dollars (\$10.00) for each regular or special meeting of the City Council which he attends. Any member of the City Council sitting to hear appeals from the municipal assessment shall be paid the sum of Ten Dollars (\$10.00), and each member of the Election Board shall be paid such amount as the Council shall determine for his services. The Mayor and members of the City Council shall be reimbursed for all expenses incurred in the execution of their official duties.

Section 3. That Chapter 158, Volume 36, Laws of Delaware, as amended, be and the same is hereby further amended by adding at the end of Section 26 thereof the following two paragraphs:

The Council may extend the sewer system of the City to places outside of the City limits upon such terms, charges and conditions as it shall determine.

The Council is hereby authorized to impose a charge or rent for the use of the sewer system of the City, both within and without the limits of the City, and in addition to the connection or tapping charges.

Section 4. That Chapter 158, Volume 36, Laws of Delaware, as amended, be and the same is hereby further amended by striking out Section 50 of said Chapter and substituting in lieu thereof a new Section 50, to read as follows:

Section 50. (a) Whenever the needs of the City shall require more money than is at the time in the City treasury from current receipts, the Council shall be authorized and empowered to anticipate current revenue by borrowing such sum as shall be needed, not in excess of the sum of One Hundred Thousand Dollars (\$100,000.00) in any one year. The amount so borrowed shall be paid back out of current revenue received thereafter.

To exercise the power aforesaid the Council shall adopt a resolution to that effect, which resolution shall require the affirmative vote of at least three-fourths of all members of Council, and the approval of the Mayor. The indebtedness created under this section shall be evidenced by the bond, or note, of the City, and the faith and credit of the City shall be deemed to be pledged thereby.

(b) The City Council is hereby authorized and empowered to borrow from time to time on the faith and credit of The City of Dover sums of money for the construction, enlargement, improvement, or repair of the water, electric, and sewer plants, and of the streets and buildings of the City, and for these purposes, the City Council shall have full power and authority to issue bonds of the said "The City of Dover."

The aggregate of the amounts so borrowed, together with all other bonded indebtedness of The City of Dover, shall not at any time exceed the sum of Two Million Five Hundred Thousand Dollars (\$2,500,000.00).

The said bonds shall be issued in one or more series, shall bear such dates or dates, shall mature at such time or times, shall bear interest at such rate or rates, shall be payable at such time or times, and at such place or places, shall be in such denominations, and shall contain such other provisions as the Mayor and Council may provide and shall be set forth in the said bonds. Said bonds may or may not be coupon bonds and may be registered or otherwise as the Mayor and Council deem advisable.

The Mayor and Council shall direct and effect the preparation and sale of said bonds at such time or times, at such price or prices, and upon such terms as the said Mayor and Council deem advisable, and all the monies arising from the sale of said bonds shall be used for the municipal purposes of the City of Dover specified in the resolution authorizing their issue.

The form of said bonds and of any coupons which may be thereunto attached shall be as prescribed by the Mayor and Council, and all such bonds shall be signed by the Mayor and the Treasurer of The City of Dover and sealed with the corporate seal thereof. Facsimile signatures of the Mayor and Treasurer may be imprinted upon any coupons attached to said bonds in lieu of the signatures of the said Mayor and Treasurer in their own handwriting.

Said bonds of The City of Dover shall be exempt from all State, County and Municipal taxes.

The Mayor and Council of The City of Dover are hereby authorized and required to levy and raise by taxation in each and every year such sums of money as may be required to pay the interest accrued on said bonds while all or any of said bonds remain unpaid, and the said Mayor and the City Council are further authorized and required to levy and raise by taxation, from time to time, such sum or sums of money as shall be needed to establish such sinking fund as the said Mayor and the City Council may at their discretion authorize for the redemption of



said bonds, or any of them, at or before their maturity and such sum or sums of money as shall be required to otherwise redeem any or all of said bonds at or before their maturity. Taxes for interest and for redemption of said bonds shall be levied and raised as taxes for general municipal purposes in the said City are levied and raised, and shall be in addition to the taxes levied and raised for any and all other municipal purposes.

A statement appearing in the bonds issued under the provisions of this section to the effect that the bonds have been duly authorized shall be deemed and held to be conclusive evidence in favor of the lawful holder of any such bonds that the terms and conditions of this section have been fully met and complied with.

(c) Before any bonds shall be issued under the provisions of this Act, the said bond issue shall be approved by a referendum vote of the qualified voters of "The City of Dover." Notice of the holding of such referendum election shall be authorized by resolution of the Mayor and Council, published once a week, for at least three consecutive weeks in at least one newspaper published in the City of Dover, Delaware. Such notice shall set out in summary form the amount and purposes of such bond issue, the date and place of holding the referendum election and the hours the polls will be open.

At said referendum election every resident and non-resident taxable of the City, of the age of twenty-one years, or upwards who has, by the time of voting, paid all city taxes theretofore assessed to him and/or assessed against the property he owns at the time of the referendum election, shall be entitled to vote and shall have one vote for each dollar, or fractional part of a dollar, of taxes paid by him according to the last city assessment and tax payment records preceding the referendum election. The Judge of the election shall note on the outside of each ballot, before he deposits the ballot in the ballot box, the number of votes to which each voter is entitled, in accordance with City assessment and tax payment records.

In cases of jointly owned property, the votes of the owners of shares therein shall be in accordance with their respective shares, or if all owners appear at the polls and so consent, all

of the votes may be cast by the owner of any share, except that the spouse first present at the polls may cast all the votes in reference to property held by husband and wife as tenants by the entirety. Life tenants shall have the entire vote as to the property so held, and holders of remainder interest only shall have no vote by reason thereof.

The Mayor and Council shall provide sufficient ballots which shall have printed thereon "For Bond Issue" and "Against Bond Issue." Each voter shall indicate his preference by making a clearly legible mark, by pencil or in ink, opposite the words showing his preference, or by merely striking out the alternative to which he is opposed, or by said mark of preference and also by striking out the alternative to which he is opposed. Any other writing and/or form of marking the ballot, except the number of votes noted thereon by the Judge, shall render it void. No voting by proxy shall be permitted.

The Mayor and Council shall, prior to the date of the referendum election, appoint one judge and two clerks to pass upon the qualifications and number of votes of each voter and to conduct the election, and a majority of the election officers present at the opening of the polls shall fill any vacancy among the election officers. A majority of the election officers shall be sufficient to decide the qualifications and the number of votes of the voters. The Mayor and Council, prior to the date of the referendum election, shall designate either the City Manager or other City employee familiar with the City assessment and tax payment records to attend the election with the last City assessment and tax payment records for the inspection of the election officers. The referendum election shall be held not less than thirty days after the approval of this Act and at such date thereafter as the Mayor and Council shall designate after having first determined the extent of the present and probable future municipal improvements and having available such estimates of the probable cost of the same as they deem advisable. The referendum election shall be held at such suitable place in the said City as the Mayor and Council shall designate in said published notice. The polls shall be open from 2 o'clock P. M. (Eastern Standard Time), and shall close at 7 o'clock P. M. (Eastern Standard Time), unless at the time of said election Daylight Saving Time be in effect in said City in which case the polls shall

open at 2 o'clock P. M. (Daylight Saving Time) and shall close at 7 o'clock P. M. (Daylight Saving Time). The Judge of the election shall, in the case of a tie vote on the bond issue, cast the deciding vote, otherwise he shall refrain from voting, but the election clerks may vote.

The election clerks shall each keep a separate tally sheet and their tally sheets shall be compared and must agree as to the total votes cast for and the total votes cast against the bond issue. Both tally sheets shall then be certified as correct by at least two of the election officers and be delivered to the Mayor, or to the Clerk of Council, immediately after the tally sheets are compared, are in agreement and have been certified.

The Mayor and Council shall at the next regular meeting after the election, or at a special meeting, receive the results of the referendum election and make the same a part of the minutes of said meeting, whereupon if a majority of the votes cast were "For Bond Issue" this Act immediately shall become effective and the bonds herein provided for may be issued and sold as in this Act provided, but if at such referendum election the majority of the votes cast were "Against Bond Issue," then no bonds shall be issued nor shall any money be borrowed under this Act.

Approved July 8, 1953.

## CHAPTER 319

## RELATING TO TOWN OF DELMAR

**AN ACT TO AMEND CHAPTER 182, VOLUME 45, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF DELMAR" BY PROVIDING LIMITATIONS ON SEWER RENTALS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members of each House thereof concurring therein):*

Section 1. Chapter 182, Volume 45, Laws of Delaware, as amended by Chapter 215, Volume 47, Laws of Delaware, be and the same is hereby further amended by striking out and repealing all of the last paragraph on page 705 thereof, being a part of Section 15 of Chapter 182, being the first paragraph under the heading "Sewer Rental and Collections", and substituting in lieu thereof a new paragraph to read as follows:

"The Town Council may, by ordinance or resolution, prescribe and fix sewer rentals not to exceed for each Outlet Twenty Dollars (\$20.00) for any one calendar year."

Approved July 8, 1953.

CHAPTER 320

SALARY OF WARDEN OF KENT COUNTY JAIL

**AN ACT TO AMEND CHAPTER 69, TITLE 11, DELAWARE  
CODE OF 1953, RELATING TO THE COMPENSATION OF  
THE WARDEN OF THE KENT COUNTY JAIL.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 6904 (b), Chapter 69, Title 11, Delaware Code of 1953, is amended by striking out the figures \$2,400 as they appear in the third line of (b) and substituting therefor the figures \$3,200".

Approved July 8, 1953.

## CHAPTER 321

## RELATING TO TRANSFER OF HIGHWAY CONSTRUCTION FUNDS

**AN ACT AUTHORIZING THE STATE HIGHWAY DEPARTMENT TO TRANSFER FUNDS FROM FUNDS APPROPRIATED FOR HIGHWAY CONSTRUCTION TO FUNDS APPROPRIATED FOR HIGHWAY MAINTENANCE IN AN EMERGENCY DUE TO UNEXPECTED OR UNUSUAL CLIMATIC CONDITIONS; LIMITATIONS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The State Highway Department is authorized to transfer funds appropriated for highway construction purposes by the General Appropriation Act for the next biennium to the funds appropriated for the purpose of highway maintenance, provided (1) the Governor determines that due to unusual and unexpected climatic conditions an emergency has arisen which necessitates such transfer of funds; (2) that an affidavit signed by a majority of the Commissioners of the State Highway Department is filed with the Permanent Budget Commission, such affidavit stating in detail the nature of the emergency that has arisen and the necessity for the transfer of such funds; and (3) the Permanent Budget Commission authorizes such transfer.

Approved July 8, 1953.

## CHAPTER 322

## RELATING TO DOVER AIR FORCE BASE

**AN ACT GRANTING THE CONSENT OF THE STATE OF  
DELAWARE TO THE ACQUISITION BY THE UNITED  
STATES OF AMERICA OF CERTAIN LANDS FOR USE  
IN CONNECTION WITH A MILITARY RESERVATION  
KNOWN AS DOVER AIR FORCE BASE AND CEDING  
JURISDICTION OVER SUCH LANDS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Pursuant to Article 1, Section VIII, Clause 17 of the Constitution of the United States, the consent of the State of Delaware is hereby given to the acquisition by the United States of America of certain tracts or parcels of land located and lying within Kent County, Delaware, and known as Dover Air Force Base.

Section 2. Exclusive jurisdiction over the aforesaid land is hereby granted and ceded to the United States of America reserving, however, to this State concurrent jurisdiction for the purpose of execution and service upon said land of all process, civil or criminal, lawfully issued by the court of the State and not incompatible with the cession; such jurisdiction to continue so long as the said land shall be owned by the United States. This provision shall take effect as to each piece or parcel of land acquired under authority of Section 1 above upon depositing in the office of the Secretary of State of the State of Delaware of a suitable plan of such land but not otherwise.

Section 3. If at any time hereafter the United States shall acquire any additional land within this State for use in connection with the Dover Air Force Base this act shall be construed to cede to the United States jurisdiction over such additional land to the same extent as is vested by this act.

Section 4. This act shall take effect from and after its passage.

Approved July 8, 1953.

**CHAPTER 323****RELATING TO SANITARY SEWER DISTRICTS****AN ACT TO AMEND CHAPTER 23, TITLE 9, DELAWARE CODE OF 1953, ENTITLED "SANITARY SEWER DISTRICTS" BY CHANGING THE MAXIMUM RATE OF INTEREST ON THE BONDS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2311 (b), Title 9, Delaware Code of 1953, is amended by striking out the word "three" appearing in line two and substituting in lieu thereof the word "five".

Approved July 8, 1953.



## CHAPTER 324

## RELATING TO LEVY COURT OF NEW CASTLE COUNTY

**AN ACT AMENDING CHAPTER 245, VOLUME 47, LAWS OF DELAWARE, ENTITLED "AN ACT TO AUTHORIZE THE LEVY COURT OF NEW CASTLE COUNTY TO BORROW A SUM NOT IN EXCESS OF ONE MILLION DOLLARS (\$1,000,000.00) AND TO ISSUE BONDS THEREFOR, THE SAID SUM TO BE EXPENDED FOR CONSTRUCTION, MAINTENANCE AND OPERATION OF NEW CASTLE COUNTY AIRPORT" BY CHANGING THE MAXIMUM RATE OF INTEREST ON THE BONDS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 245, Volume 47, Laws of Delaware, is amended by striking the words and figure "three per centum (3%)" appearing in the eighth line of Section 1, and substituting in lieu thereof the following: "five per centum (5%)."

Approved July 8, 1953.

## CHAPTER 325

## APPROPRIATION

## STATE HIGHWAY DEPARTMENT

**AN ACT APPROPRIATING CERTAIN MONEYS TO THE  
STATE HIGHWAY DEPARTMENT FOR THE PURPOSE  
OF PAYING UNEXPECTED EXPENSES INCIDENT TO  
MATERIALS AND SERVICES RENDERED IN THE RE-  
PAIR OF DIKES ALONG THE DELAWARE RIVER BE-  
TWEEN NEW CASTLE AND DEEMER'S BEACH.**

WHEREAS, Chapter 240, Volume 48, Laws of Delaware 1951, empowered and directed the State Highway Department to repair the dikes along the Delaware River between New Castle and Deemer's Beach, and appropriated therefor the sum of Twenty-five Thousand Dollars (\$25,000.00); and

WHEREAS, a contract for such repairs was awarded in the amount of Twenty-four Thousand Three Hundred Fifty Dollars (\$24,350.00) to the contracting firm of Henry C. Eastburn and Sons, Inc., Newark, Delaware, on August 2, 1951; and

WHEREAS, on July 1, 2, and 7, 1952, during the reconstruction of the dikes there were three storms of severe intensity which washed away sections of the completed dikes, which had not yet solidified, and which threatened to destroy the entire project; and

WHEREAS, it is incumbent upon the State Highway Department to provide protection to State property or State investments and that duty was recognized when the Department directed Henry C. Eastburn and Sons, Inc., to make emergency repairs which resulted in an expenditure of One Thousand Nine Hundred Forty-one Dollars and Twenty-five Cents (\$1,941.25) in excess of the amount provided by law; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is appropriated to the State Highway Department the sum of One Thousand Nine Hundred Forty-one Dollars and Twenty-five Cents (\$1,941.25) to be used to

reimburse Henry C. Eastburn and Sons, Inc., Newark, Delaware, for services rendered in making emergency repairs in the repairing of dikes along the Delaware River between New Castle and Deemer's Beach, provided, nevertheless, that said sum shall not be paid by said Department to the said Henry C. Eastburn and Sons, Inc., until the latter shall render to the Department a release in favor of the State of Delaware, said release stating that the sum received is in full settlement of all claims against the State of Delaware due to storm damage in the reconstruction and repair of the dikes along the Delaware River between New Castle and Deemer's Beach.

Section 2. This is a Supplementary Appropriation Act and the moneys hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved July 8, 1953.

## CHAPTER 326

## AUTHORIZING REPAIR OF DYKES NEAR BETHANY BEACH

**AN ACT AUTHORIZING THE STATE HIGHWAY DEPARTMENT TO ERECT, BUILD, REBUILD, REPLACE AND REPAIR DYKES ALONG THE SHORE OF BETHANY BEACH TO PROTECT THE HIGHWAYS AND LANDS NEAR BETHANY BEACH FROM INUNDATION BY THE WATERS OF THE ATLANTIC OCEAN.**

WHEREAS, the roads in and near Bethany Beach in Sussex County are in great danger of seasonal wash-outs due to the spring tides and storms, and

WHEREAS, these roads require immediate protection from the seasonal elements because the wash-outs of the past have greatly handicapped vehicular movement along said roads; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The State Highway Department is directed to erect, build, rebuild, replace and repair such dykes along the Atlantic Ocean, and also such connecting banks between the low dunes at the various places where breaches have been made by the storm conditions during recent years, as in the judgment of the said Department shall be necessary to protect the highways and lands near Bethany Beach from inundation by the waters of the Atlantic Ocean.

Section 2. That the sum of Twenty Thousand Dollars (\$20,000.00) is appropriated to the State Highway Department for the purpose specified in Section 1 of this Act, and the State Treasurer is directed to pay all or any part of said sum upon a warrant or warrants approved by the proper officials of the State Highway Department.

Section 3. In the event that all or any part of said sum of Twenty Thousand Dollars (\$20,000.00) shall remain unex-

pendent on June 30, 1953, or on June 30, 1954, it shall not revert to the General Fund of the State Treasury but shall remain available for said purposes up to and including June 30, 1955.

Section 4. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved July 9, 1953.

## CHAPTER 327

## APPROPRIATION

## STATE HIGHWAY DEPARTMENT

**AN ACT MAKING APPROPRIATIONS TO THE STATE HIGHWAY DEPARTMENT TO PROVIDE FOR PROTECTING THE BEACH AT BROADKILN BEACH IN SUSSEX COUNTY, DELAWARE, FROM EROSION AND INUNDATION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The State Highway Department shall erect, build, rebuild, replace and repair such groins, jetties, banks, dikes or bulkheads along the beach known as Broadkiln Beach in Sussex County, Delaware, as may be necessary to protect the same from erosion and inundation by the waters of the Delaware Bay.

Section 2. A sum not in excess of Twenty Thousand Dollars (\$20,000.00) is appropriated to the State Highway Department for such purposes and the State Treasurer shall pay the same upon proper vouchers drawn from time to time by the State Highway Department for the purposes herein set forth.

Section 3. If all or any part of said sum shall remain unexpended on June 30, 1953, or on June 30, 1954, it shall not revert to the General Fund of the State Treasury but shall remain available for said purposes until June 30, 1955.

Section 4. This Act shall be known as a Supplementary Appropriation Act and the monies hereby appropriated shall be paid out of the General Funds of the State Treasury, not otherwise appropriated.

Approved July 9, 1953.

## CHAPTER 328

## RELATING TO WILMINGTON FIREMEN'S PENSION FUND

**AN ACT TO AMEND CHAPTER 118, VOLUME 33, LAWS OF DELAWARE, ENTITLED "AN ACT PROVIDING FOR A FIREMEN'S PENSION FUND FOR MEMBERS OF THE BUREAU OF FIRE OF THE DEPARTMENT OF PUBLIC SAFETY OF THE CITY OF WILMINGTON", BY PROVIDING ADDITIONAL BENEFITS FOR MEMBERS SERVING BEYOND THEIR REQUIRED PERIOD OF SERVICE.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of each Branch concurring therein):*

Section 1. Chapter 118, Volume 33, Laws of Delaware, is amended by striking out Section 1 of said Chapter 118, Volume 33, and substituting the following, to be known as Section 1.

Section 1. Whenever a member of the Bureau of Fire of the Department of Public Safety, shall have become disabled or incapacitated from injuries received while in the active performance of official duty and whenever any member of said Bureau who has performed faithful continuous service as such member for a period of not less than fifteen (15) years shall have become permanently incapacitated from performing such regular active duty, he may be retired by the Directors of the Department of Public Safety from the regular active service and placed upon the retired list and all members of said Bureau who shall have performed faithful continuous service as such member for a period of at least twenty (20) years shall upon their own application be placed upon the retired list whether they are disabled or not. Each person so retiring shall be entitled to receive from the sum herein established an amount equal to one-half of the amount of his salary at the time of retirement, plus two per cent (2%) of such retiring salary, multiplied by the number of years of service in excess of twenty (20) years, so long as he may remain upon the retired list, said sum to be paid monthly, provided said sum shall be sufficient for the payment of all persons entitled to receive same, and in case it shall

not be sufficient for that purpose at any time, then the claim of all persons entitled shall abate proportionately, but said sum at no time shall be reduced below the sum of Fifty Thousand Dollars (\$50,000.00).

Approved July 9, 1953.



## CHAPTER 329

## RELATING TO WILMINGTON POLICE PENSION FUND

**AN ACT TO AMEND CHAPTER 128, VOLUME 29, LAWS OF DELAWARE, ENTITLED "AN ACT TO AMEND CHAPTER 185, VOLUME 24, LAWS OF DELAWARE, RELATING TO THE POLICE PENSION FUND OF THE CITY OF WILMINGTON", BY PROVIDING ADDITIONAL BENEFITS FOR MEMBERS SERVING BEYOND THEIR REQUIRED PERIOD OF SERVICE.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of each Branch concurring therein):*

Section 1. Chapter 128, Volume 29, Laws of Delaware is amended by striking out Section 1 of said Chapter 128, Volume 29, and substituting the following, to be known as Section 1:

Section 1. Whenever a member of the Bureau of Police of the Department of Public Safety shall have become disabled or incapacitated from injuries received while in the active performance of official duty and whenever any member of said Bureau, who has performed faithful continuous service as such member for a period of not less than fifteen (15) years, shall have become permanently incapacitated from performing such regular active duty, he may be retired by the Directors of the Department of Public Safety from the regular active service and placed upon the retired list and all members of said Bureau, who shall have performed faithful continuous service as such member for a period of at least twenty (20) years, shall, upon their own application, be placed upon the retired list whether they are disabled or not. Each person so retiring shall be entitled to receive from the sum herein established an amount equal to one-half of the amount of his salary at the time of retirement, plus two per cent (2%) of such retiring salary, multiplied by the number of years of service in excess of twenty (20) years, so long as he may remain upon the retired list, said sum to be paid monthly, provided said sum shall be sufficient for the payment of all persons entitled to receive same, and

in case it shall not be sufficient for that purpose at any time, then the claim of all persons entitled shall abate proportionately, but said sum at no time shall be reduced below the sum of one hundred thousand dollars (\$100,000.00).

Approved July 9, 1953.

## CHAPTER 330

### LEVY COURT APPROPRIATION TO KENT COUNTY VOLUNTEER FIREMEN'S ASSOCIATION

#### **AN ACT TO AMEND TITLE 9, DELAWARE CODE OF 1953 BY AUTHORIZING THE LEVY COURT OF KENT COUNTY TO APPROPRIATE CERTAIN MONEY TO THE KENT COUNTY VOLUNTEER FIREMEN'S ASSOCIA- TION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 4132, Title 9, Delaware Code of 1953 is amended to read as follows:

#### **§ 4132. Kent County Volunteer Firemen's Association**

The Levy Court of Kent County shall appropriate annually and on the first day of October of each year shall pay to the Kent County Volunteer Firemen's Association, the sum of \$12,750.00 to be distributed by the Firemen's Association equally to each of the regularly organized and motorized fire companies, members of the Association, for the maintenance and upkeep of the fire equipment of the member companies.

Approved July 10, 1953.

## CHAPTER 331

## RELATING TO TOWN OF LEWES

**AN ACT TO AMEND CHAPTER 170, VOLUME 43, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LEWES" BY EXTENDING THE LIMITS AND BOUNDS OF THE TOWN OF LEWES.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of the Members of each Branch thereof concurring therein):*

Section 1. Section 2 of Chapter 170, Volume 43, Laws of Delaware, is amended by adding at the end of the first paragraph thereof the following:

The limits and bounds of the Town of Lewes shall also include the following described two parcels of land:

Parcel No. 1. Situate, lying and being Southeast of and adjacent to a present Southeast boundary line of the Town of Lewes described as: "a ditch through Miss McIlvaine's land" (See Laws of Delaware, Vol. No. 22, Chapter 199, Sec. 1, and Vol. No. 43, Chapter 170, Sec. 2, page 723). Beginning for said parcel No. 1 at a point in the present Town line described as: "a ditch through Miss McIlvaine's land" where a ditch flowing Northeast out of White's Pond, and a ditch flowing North through lands now or formerly of Charles White, intersect and merge with said ditch flowing through lands formerly of Miss McIlvaine, now lands of Fish Products Company. Said beginning point being also a corner for lands of Fish Products Company (formerly lands of Edith P. Melson) and lands now or formerly of Charles White. Thence from said beginning point, and with the division line between lands of Fish Products Company, and lands now or formerly of Charles White and with bearings being referred to the true meridian, S. 18° 37' E. 445.17 ft. to a stake; thence along line for lands of Fish Products Company and line for lands of Percy Schmierer N. 71° 48' E. 678.48 ft. to the Southwesterly side of Gills Neck Road; thence continuing same course N. 71° 48' E. 30 ft. further to the Northeasterly side of said Gills Neck Road; thence along the Northeasterly side

of said road S. 17° 00' E. 145.2 ft.; thence with a line through lands of Fish Products Company, it being also the original division line between lands formerly of Jacob A. Marshall, and lands formerly of Jane McIlvaine N. 87° 43' E. 594.0 ft.; thence N. 79° 37' E. 49.5 ft.; thence N. 64° 07' E. 693 ft. or such distance as will reach the Southwest bank of the Lewes and Rehoboth Canal; thence along the Southerly bank of said Canal in a Northwesterly direction such a distance as will reach the mouth of the aforesaid ditch running through lands formerly of Jane McIlvaine, now lands of Fish Products Company, the mouth of said ditch being located at the bend in the Gills Neck Road, and is N. 17° 00' W. 1005.8 ft. from the end of the herein described second course; thence up said ditch, which is a present boundary line for the Town of Lewes, in a Southwesterly direction such a distance as will reach the place of beginning. Containing 34.6 acres more or less. A plot entitled "Plot of the Lands of Fish Products Co." showing these lines is now of record in the Office of the Recorder of Deeds in and for Sussex County at Georgetown, Delaware in Plot Record No. 1, page 32.

Parcel No. 2. Situate, lying and being adjacent to and West of the present West boundary lines of the Town of Lewes; as set out in Laws of Delaware, Vol. No. 22, Chapter 199, Sec. 1, and Vol. No. 43, Chapter 170, Sec. 2, page 723. Beginning for said parcel No. 2 at a point in the Northwest side of Market Street and on the Southwest side of Block House Pond in said Town of Lewes, Delaware. Said beginning point being the end of the third course; as described in Laws of Delaware Vol. No. 22 Chapter 199, Sec. 1, and the end of what is intended to be the fourth course in the description of the present Town boundary lines found in Laws of Delaware, Vol. No. 43, Chapter 170, Sec. 2, page 723, but said fourth course being omitted therein. Thence from said beginning point, and with the Northwesterly side of Market Street, S. 43° 45' W. (as surveyed in 1874 with bearing being referred to the Magnetic meridian of that date) such a distance as will reach the Southwesterly side of the street or road which lies between land of the Lewes Special School District and lands of the United States Government; known as Fort Miles Hospital Area; thence along the Southwesterly side of said unnamed Street, or road in a Northwesterly direction such a distance as will reach the Southeasterly side of Stanley

Miller's Subdivision known as "Highland Acres"; thence along the Southeasterly line of said Subdivision, "Highland Acres" and line for lands of the United States Government or Fort Miles Hospital Area, and in accord with a survey dated February 13, 1951, with bearings referred to the Magnetic Meridian of that date S. 47° 58' W. 274.69 ft. to a concrete marker; thence S. 46° 03' W. 575.71 ft. to a concrete marker; thence along the Southwesterly side of said Subdivision, and line for lands of Lewes Graves (formerly lands of Delaware, Maryland and Virginia Railroad Company) N. 49° 20' W. 743.76 ft. to a corner fence post, thence along the Northwesterly side of said Subdivision, and line for lands of William Russell N. 46° 00' E. such a distance as will reach the aforesaid fourth line of the Town's present limits, namely, a line drawn from Greenhill Light House to a point on Southwest side of Block House Pond and Market Street; thence following said line in a Southeasterly direction to the place of beginning let the area be what it may. In the event it should be determined that there still remains some land in the possession of the Lewes Special School District which lies beyond the Corporate limits, then such additional lines as found necessary to include such lands of the Lewes Special School District shall be included, and become a part of this description. A plot of aforesaid Subdivision "Highland Acres" is now of record in the Recorder of Deeds Office in and for Sussex County, at Georgetown, Delaware, in Plot Record No. 2, page 32.

Approved July 10, 1953.

## CHAPTER 332

## RELATING TO CITY OF WILMINGTON BOARD OF HEALTH

**AN ACT TO AMEND CHAPTER 207 OF VOLUME 17, LAWS OF DELAWARE, ENTITLED "AN ACT TO REVISE AND CONSOLIDATE THE STATUTES RELATING TO THE CITY OF WILMINGTON", AS AMENDED, WITH RELATION TO THE DEPARTMENT OF HEALTH (FORMERLY BOARD OF HEALTH), BY RECONSTITUTING SAID DEPARTMENT OF HEALTH, DEFINING ITS POWERS, AUTHORITY AND JURISDICTION, CONFERRING UPON IT SOLE AND EXCLUSIVE POWER TO ENACT ORDINANCES AND REGULATIONS RELATING TO PUBLIC HEALTH AND SANITATION, SETTING FORTH THE TERMS AND QUALIFICATIONS OF ITS MEMBERS, PROVIDING FOR A HEALTH COMMISSIONER, AND DEFINING HIS QUALIFICATIONS, DUTIES AND POWERS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each Branch thereof concurring therein):*

Section 1. Section 137 of Chapter 207, Volume 17, Laws of Delaware, as amended by Chapter 557, Volume 20, Laws of Delaware, is further amended by striking out said section and by inserting in lieu thereof the following sections, to be styled Sections 137, 137A, 137B, 137C, 137D.

Section 137. The Department of Health is hereby vested with the sole and exclusive power, authority, jurisdiction and control over, and shall be responsible for, public health and sanitation within the City of Wilmington and within an area extending one mile beyond the corporate limits of said city, including all power, authority and jurisdiction heretofore conferred upon or vested in The Council of the Mayor and Council of Wilmington with relation to public health and sanitation. In addition to the foregoing jurisdiction, the Department of Health is hereby vested with the sole and exclusive power, authority, jurisdiction and control with respect to the following subjects:

(a) To preserve the health of the City, and to prevent the introduction of infectious or contagious diseases, for which purpose jurisdiction shall extend to any distance within one mile of the limits of the City;

(b) To define and remove nuisances, to the extent that any such nuisance affects or will affect public health or sanitation; and

(c) To provide against the adulteration of milk and cream sold or brought to be sold in the said City, and to provide for the proper inspection of the same.

The words "public health and sanitation" as used in this section and elsewhere in this Act shall include, but shall not be limited to, the following:

(1) The prevention and control of the spread of all diseases dangerous to public health.

(2) The prevention and control of all nuisances detrimental to public health.

(3) The recommendation of measures for the sanitary protection of all water supplies which are furnished to and used by the public.

(4) The sanitary control of public swimming and bathing places.

(5) The control and regulation of plumbing and plumbing facilities in the interest of health and sanitation.

(6) The regulation and control of fumigation and the use of insecticides.

(7) The sanitary regulation, inspection and control of the production, distribution and sale of milk, dairy products, meats and all other food and beverage products sold or offered for sale and/or public consumption.

(8) The sanitary regulation, inspection and control of public eating places, tourist camps, trailer camps, other public camps, and the sanitary facilities of all public places including service stations.



(9) The regulation, inspection and control of sanitary conditions and facilities in all homes, factories, shops, stores and public buildings, including supervision and control of sanitation, ventilation, and hygiene in all schools, and the adoption, promulgation and enforcement of reasonable standards of health and sanitation designed to prevent, ameliorate and remove working and living conditions inimical to public health and to prevent the development of and to eliminate slum areas within the City of Wilmington.

(10) The sanitary regulation and control of the disposal of dead bodies.

(11) The regulation and control of vaccination and inoculation against contagious and infectious diseases, and the compulsory periodic report and treatment of persons suffering with venereal diseases.

(12) The maintenance and control of adequate public records of births, deaths and marriages and the maintenance of a Bureau of Vital Statistics.

The Department of Health shall possess all power and authority reasonably incident to the foregoing enumerated powers, with full and exclusive power to enact, adopt and promulgate rules and regulations with relation thereto. In addition thereto, the Department of Health may require reports and information from all dispensaries, hospitals, nursing homes, infirmaries, prisons, schools, and other institutions, and from all physicians, midwives, undertakers, and others, relative to sanitary conditions and the health and safety of all patients, inmates, nurses and attendants in their charge or employ.

Section 137A. All ordinances, rules and regulations of the City of Wilmington in force at the date of the passage and approval of this Act, relating to public health and sanitation, and not inconsistent with any provision of this Act, including "The Sanitary Code of Wilmington, Delaware", approved May 24, 1945, shall be and shall continue in full force and effect until the same are changed, altered, amended or repealed, in whole or in part, by the Department of Health, or otherwise in the manner provided by law.

The Department of Health shall have sole and exclusive power, authority and jurisdiction to enact, adopt and promulgate ordinances, rules and regulations relating to the subjects within its authority and jurisdiction and to provide penalties for the violation of any thereof, and all ordinances, rules and regulations enacted, adopted and promulgated pursuant to the power and authority conferred by this Act shall have the force and effect of law.

Section 137B. The Department of Health shall appoint a Health Commissioner who shall be the chief administrative officer of the Department. The Health Commissioner so appointed shall be a qualified doctor of medicine and shall either (a) hold a degree in public health from an accredited college or university and have had at least two years' experience in an administrative public health position, or (b) without such degree in public health, shall have had at least five years' experience in an administrative public health position.

The Health Commissioner may be appointed by the Department to serve for a term of not more than four years, provided that, the Health Commissioner may be removed during any term only upon the concurrence of two-thirds of all the members of the Department of Health only for incompetency or failure to perform his duties in a reasonably satisfactory manner. No Health Commissioner shall be removed, as aforesaid, until he has been given reasonable notice in writing of the charges against him and has been given an opportunity for a hearing before the Department with the privilege of being represented by counsel at the hearing.

The Health Commissioner shall perform such duties and shall possess such authority as may be imposed and conferred upon him by this Act and by the Department from time to time. He shall engage in no other profession, business or employment for profit, except with the permission of the Department, and shall receive such compensation for his services as Health Commissioner as the Department may fix from time to time. He shall attend all meetings of the members of the Department and shall act in an advisory capacity without vote.

Section 137C. No person shall be elected, employed, promoted or discharged by the Department until the Health Commissioner shall have first recommended his election, employment, promotion or discharge. The compensation and duties of all officers and employees shall be fixed and prescribed by the Department from time to time upon the prior recommendation of the Health Commissioner. Provided, however, notwithstanding the foregoing provisions, in the event the Department shall fail to approve the recommendation of the Health Commissioner with regard to the election, employment, promotion or discharge of any person, or to the compensation and duties of any officer or employee, the Department may at a meeting called subsequent to such disagreement, upon the concurrence of two-thirds of all the members of the Department, elect, employ, promote or discharge any person or fix and prescribe the compensation and duties of any officer or employee; such action, together with the names of all members voting for and against such action, shall be entered upon the minutes of the Department. The Department shall have full authority and discretion to determine what positions and offices are necessary or desirable for the efficient administration of the Department and may, in the exercise of a like discretion, continue and at any time abolish any existing position or office.

On and after the passage of this Act, the Milk Inspector, or Inspectors, now appointed by The Council of The Mayor and Council of Wilmington shall be appointed by the Department of Health.

The provisions of this Section 137C shall apply to the Secretary as well as to all other officers and employees of the Department. In the exercise of the powers conferred by this Act, the Department shall at no time exceed the respective appropriations made to the Department by the Council of the Mayor and Council of Wilmington.

Section 137D. All acts and parts of acts inconsistent with any provision of this Act are hereby repealed; provided that this Act shall not invalidate the provisions of Section 125, Title 16, Delaware Code of 1953. This act shall be subject to the provisions of an act entitled, "An Act to Amend the Charter of the City of Wilmington, as Amended, by Providing the Power of

Veto in the Mayor with Respect to All Rules and Regulations Enacted or Adopted by Any Board, Commission or Department of Said City Having the Effect of Law and Not for the Internal Administration or for the Management of the Affairs of Said Board, Commission or Department, and Providing a Means for the Adoption of Such Rules or Regulation Over Such Veto." Passed by the 117th General Assembly and approved by the Governor June 4, 1953.

Section 2. Section 136 of Chapter 207, Volume 17, Laws of Delaware, as amended by Section 2 of Chapter 224, Volume 47, Laws of Delaware, is amended by adding at the end thereof, the following new sentence:

Members of the Department of Health who are appointed or reappointed on or after the first day of July, A. D. 1953, shall serve without compensation, provided that members may be reimbursed for legitimate expenses incurred in the performance of their duties as members of the Department.

Section 3. If any provision of this Act or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not effect any other provision or application of the Act which can be given effect without the invalid provision or application, and to this end the several provisions of this Act are declared to be severable.

Approved July 10, 1953.

## CHAPTER 333

## RELATING TO TOWN OF LEWES

**AN ACT TO AMEND CHAPTER 170, VOLUME 43, LAWS OF DELAWARE, BEING AN ACT ENTITLED "AN ACT TO RE-INCORPORATE THE TOWN OF LEWES" BY DEFINING THE TERM "SUBSTANTIAL FREEHOLDER".**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of the Members of each Branch thereof concurring therein):*

Section 1. Section 3 of Chapter 170, Volume 43, Laws of Delaware is further amended by adding at the end thereof the following:

For the purposes of this chapter, the term "substantial freeholder" shall mean any person who holds either fee simple title or title as a tenant by the entirety of real property within the corporate limits of the Town of Lewes of an assessed valuation of at least \$1,000.00 and said title is of record in the Office of the Recorder of Deeds in and for Sussex County.

Approved July 10, 1953.

## CHAPTER 334

## RELATING TO CITY OF SEAFORD

**AN ACT TO AMEND THE CHARTER OF THE CITY OF SEAFORD BY REQUIRING THE PROCUREMENT OF A SURETY BOND COVERING ALL CITY EMPLOYEES.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each Branch thereof concurring therein):*

Section 1. That Chapter 184, Volume 43, Laws of Delaware 1941, as amended, be further amended by striking out and deleting in its entirety the second sentence of the third paragraph of subparagraph (B) of Section 13.

Section 2. That Chapter 184, Volume 43, Laws of Delaware 1941, as amended, be and the same is hereby amended, by adding at the end of subparagraph (C) of Section 13, a new sentence, as follows:

"All City employees shall give bond, with corporate surety, approved and paid for by Council, for the faithful performance of their duties, the said bond to be not less than ten thousand dollars (\$10,000.00) for the City Manager, and not less than five thousand dollars (\$5,000.00) on each other employee of the City."

Approved July 10, 1953.

## CHAPTER 335

## ESTABLISHING OFFICE OF STATE FIRE MARSHAL

**AN ACT AMENDING PART II, TITLE 16, DELAWARE CODE OF 1953, ESTABLISHING THE OFFICE OF STATE FIRE MARSHAL, DEFINING POWERS AND DUTIES AND MAKING AN APPROPRIATION THEREFOR.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Part II, Title 16, Delaware Code of 1953, is amended by adding a new chapter to be entitled Chapter 4, as follows:

**CHAPTER 4. STATE FIRE MARSHAL****§ 401. Office established; appointment; term; salary**

The office of State Fire Marshal is hereby established. The Governor shall appoint, within thirty (30) days, a qualified person who shall be a citizen of this State and who shall have had 5 years combat fire experience. He shall be known as State Fire Marshal, and shall hold his office for a term of four (4) years. The office of the State Fire Marshall shall be located at the State Capitol in quarters to be provided by the State. He shall receive an annual salary of Five Thousand Dollars (\$5,000.00). He shall devote his whole time to the duties of his office. Whenever a vacancy shall occur in the office of State Fire Marshal for any reason other than the expiration of a term, the vacancy shall be filled by the Governor for the balance of the unexpired term.

**§ 402. Duties and Powers**

(a) Except as hereinafter provided, the State Fire Marshal shall enforce all laws and ordinances of the State, and the several counties, cities and political subdivisions thereof having to do with:

- (1) Prevention of fires;
- (2) The Storage, sale and use of combustibles and explosives;

(3) The installation and maintenance of automatic or other fire alarm systems and fire extinguishing equipment;

(4) The construction, maintenance and regulation of fire escapes;

(5) The means and adequacy of exit, in case of fire, from factories, industrial plants and buildings; asylums, hospitals, churches, schools, halls, theatres, amphitheatres, bowling alleys, apartments, rooming and boarding houses, and all other places in which numbers of persons work, live or congregate from time to time for any purpose, except buildings used wholly as dwelling houses.

(6) The suppression of arson and the investigation of the cause, origin and circumstances of fires;

(7) To assist any chief or any recognized fire company upon request of such chief.

(b) The State Fire Marshal shall inspect all State and County owned institutions, all schools, theatres, churches and other places of public assembly as to fire exits and reasonable safety standards. He may appoint three Deputies, one for each County, who shall be a resident of said County, and who shall have had five (5) years combat fire experience, and shall administer to such persons the usual oath required of State employees and shall further employ such office or clerical employees, as he deems necessary for the orderly administration of his office. He shall be provided with a suitable automobile to be used in the performance of his duties. The cost of maintaining and running said automobile shall be considered as a part of the expenses of the Fire Marshal's office.

(c) It shall be the duty of the State Fire Marshal, his deputies and assistants, to require teachers of public and private schools and educational institutions to have one fire drill each month and to keep all doors and exits unlocked during school hours.



### § 403. Annual report

The State Fire Marshal shall annually, on or before the thirtieth day of September transmit to the Governor a full report of his proceedings under this Chapter and such statistics as he may wish to include therein, unless some other time for reporting is fixed by law; he shall also recommend any amendments to the law which in his judgment shall be desirable.

### § 404. Appeals

Any person aggrieved by any order or action of any officer acting under the provisions of this Act, may appeal from such order to the Superior Court of the County in which the property in question or the party aggrieved or either shall be located or of which such party shall be a resident. Such appeal shall be allowed at any time within fifteen (15) days from receipt of such order by the aggrieved party, notifying the officer entering said order of his desire to appeal from such order and upon notice of such appeal, the officer shall forthwith furnish to the aggrieved party a certified copy of the order appealed from and upon entry of said certified copy together with notice of appeal in the Superior Court as aforesaid, said order shall forthwith be stayed and no further proceedings shall be taken thereon until said appeal shall have been decided by the Superior Court as aforesaid, provided, however, that said appeal together with the certified copy of the order appealed from shall be entered in the Superior Court as aforesaid on or before the first day of the term next after the appeal. Upon receipt of such appeal the Prothonotary, in whose office said appeal shall be filed, shall docket the same and enter it as provided for appeals from Justices of the Peace and all other proceedings thereafter shall be in accordance with appeals from Justices of the Peace.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken, certifies to the Justice of the Peace after the notice of appeal has been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property.

In such case, proceedings shall not be stayed, except by a restraining order which may be granted by the Justice of the Peace, or by a Court of Record on application and notice to the officer from whom the appeal is taken and for due cause shown.

Section 2. The State Treasurer shall pay for the organization, maintenance and support of the State Fire Marshal's Department upon warrants signed by the State Fire Marshal, from any moneys in the State Treasury not otherwise appropriated, the sum of Seventeen Thousand Five Hundred Dollars (\$17,500.00) in the aggregate, covering the fiscal years of 1954 and 1955.

Approved July 10, 1953.

## CHAPTER 336

## APPROPRIATION

## BOARD OF GAME AND FISH COMMISSIONERS

**AN ACT APPROPRIATING FUNDS TO THE BOARD OF  
GAME AND FISH COMMISSIONERS OF THE STATE OF  
DELAWARE TO BE USED FOR THE PURPOSE OF RE-  
MOVING OLD AND ABANDONED DUCK BLINDS,  
SHIP WRECKS AND OTHER DANGEROUS OBSTRU-  
CTIONS FROM THE INDIAN RIVER AND INDIAN RIVER  
BAY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of five hundred dollars (\$500.00) is appropriated to the Board of Game and Fish Commissioners of the State of Delaware to be used for the purpose of removing old and abandoned duck blinds, ship wrecks and other dangerous obstructions from the Indian River and Indian River Bay, said blinds and other obstructions now causing a hazard to the use of these waters by boats.

Section 2. The Board of Game and Fish Commissioners of the State of Delaware shall be responsible for and supervise the removal of the duck blinds, ship wrecks and other obstructions.

Section 3. This is a supplementary appropriation and the moneys shall be paid out of the general fund of the State of Delaware. Any moneys not expended by the Board of Game and Fish Commissioners of the State of Delaware for the purpose herein authorized shall revert to the general fund.

Approved July 10, 1953.

## CHAPTER 337

## RELATING TO SCHOOL CONSTRUCTION

**AN ACT TO PROVIDE FOR THE ENLARGEMENT AND IMPROVEMENT OF THE SYSTEM OF FREE PUBLIC SCHOOLS OF DELAWARE; APPROPRIATING MONEY FOR SAID PURPOSES; AUTHORIZING THE FINANCING OF SUCH ENLARGEMENT AND IMPROVEMENT BY THE ISSUANCE OF BONDS AND BOND ANTICIPATION NOTES OF THE STATE AND BY CONTRIBUTIONS FROM CERTAIN SCHOOL DISTRICTS, AND THE CITY OF WILMINGTON, DEFINING SCHOOL DISTRICTS; AUTHORIZING THE ISSUANCE OF BONDS OF CERTAIN SCHOOL DISTRICTS AND THE CITY OF WILMINGTON FOR THE PURPOSE OF RAISING MONEY TO MAKE SUCH CONTRIBUTIONS; AND AUTHORIZING THE ACCEPTANCE OF FEDERAL FUNDS FOR BUILDING PURPOSES AND CREATING LOCAL SCHOOL BUILDING COMMISSIONS.**

WHEREAS, there is continued and pressing need for certain construction for public school purposes in certain School Districts within the State of Delaware; and

WHEREAS, there are additional critical needs for school facilities that have been brought about by the phenomenal growth of enrollments in the public schools of the State of Delaware; and

WHEREAS, certain School Districts of the State of Delaware hereinafter mentioned have funds available for school construction purposes presently available by reason of state appropriation and/or from the proceeds of local school bond issues; and

WHEREAS, certain other School Districts hereinafter mentioned will provide funds for school construction purposes from local sources; and

WHEREAS, there is precedent of both partial and full state support for school construction programs as an element which places Delaware as a leader in education; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each Branch concurring therein):*

Section 1. Whenever or wherever used in this Act, unless a different meaning is indicated or required:

(a) The term "school construction" means one or more of the following things: the acquisition, construction, reconstruction, alteration, remodeling, enlargement, equipment, including purchase of machinery necessary for the maintenance of grounds and buildings and of all educational supplies necessary for the initial operation of a school so built or altered or added to, and re-equipment of buildings and the acquisition and improvement of lands, for free public school purposes, in any school district.

(b) The term "total cost" means the maximum sum or sums of money which may be spent for school construction under this Act in a particular school district, provided nothing contained in this Act shall prevent any school district from increasing said total cost by providing a larger amount from local sources than that stated as that district's local share, nor shall prevent the acceptance and use of any funds appropriated by the Congress of the United States for these purposes.

(c) The term "state share" means the maximum sum of money which may be paid from state sources for school construction in a particular school district as provided in this Act.

(d) The term "local share" means the sum of money specified to render permissible the use of the state share for school construction within the particular school district.

(e) The term "school district" means a school district, a special school district, the City of Wilmington, or any newly created school unit or area for which no board has yet been appointed or elected.

(f) The term "School Building Commission" means one of the School Building Commissions created by Section 22 of this Act.

Section 2. There is hereby appropriated the sum of twelve million two hundred thirty-nine thousand eighty dollars (\$12,239,080.00), or so much thereof as shall be required, to carry out the purpose of this Act, and to be expended as hereinafter provided.

Section 3. For the purposes of providing funds out of which said appropriation of twelve million two hundred thirty-nine thousand eighty dollars (\$12,239,080.00) may be paid, the Governor, the State Treasurer, and the Secretary of State of the State of Delaware, herein sometimes referred to as "issuing officers", are hereby authorized and fully empowered to issue bonds of the State of Delaware in an aggregate principal amount not exceeding twelve million two hundred thirty-nine thousand and eighty dollars (\$12,239,080.00).

Section 4. Said bonds shall be issued at one time or from time to time as the money is required, as the issuing officers shall determine. The bonds of each issue shall constitute a separate series. Each series of bonds shall mature in annual installments, beginning not more than one year after the date of issue of the bonds of such series, and ending not more than twenty years after such date of issue; and no such annual installment shall be more than thirty per cent greater in amount than the amount of the smallest prior installment of the same series. Each series of bonds shall bear interest at a rate or rates not exceeding three per cent, per annum, payable semiannually.

Section 5. Said bonds shall be sold by the issuing officers at not less than par and accrued interest, under such terms, conditions and regulations as the issuing officers may prescribe, after notice of such sale, published at least once ten days or more before the date of sale in at least one newspaper published in the State of Delaware and in a financial journal published in the City of New York.

Section 6. In anticipation of the issuance of said bonds, the issuing officers may issue and sell notes of the State of Delaware at either public or private sale for not less than par and accrued interest. Said notes shall bear interest at a rate not exceeding 3 per cent per annum. They may be renewed from time to time by the issuance and sale of new notes, but all such

notes shall mature and be paid not later than June 30, 1955. The total amount of said notes outstanding at any one time, together with the total amount of said bonds theretofore issued, shall not exceed twelve million two hundred thirty-nine thousand eighty dollars (\$12,239,080.00). Said notes may be redeemed at par and accrued interest prior to their maturity, if the right of the State to do so shall have been reserved by an express provision in the notes. The principal of said notes shall be paid out of the proceeds of the sale of said bonds or notes.

Section 7. Said bonds and notes shall be direct general obligations of the State of Delaware, and the faith and credit of the State of Delaware are hereby pledged for the payment of the principal of and the interest on said bonds and notes as such principal and interest respectively become due. The principal of and the interest on said bonds and notes shall be exempt from taxation by the State of Delaware or by any political subdivision thereof for any purpose whatsoever.

Section 8. The said bonds and notes shall be signed in the name of the State of Delaware by the State Treasurer, and shall be authenticated by the signatures or facsimile signatures of the Governor and Secretary of State, and they shall have the Great Seal of the State impressed thereon. Interest coupons attached to said bonds shall be authenticated by the signature or facsimile signature of the State Treasurer. The said bonds and notes may be issued notwithstanding that any of the officers signing them or whose facsimile signature appears thereon or on the coupons of said bonds shall have ceased to hold office at the time of such issue or at the time of the delivery of said bonds or notes.

Section 9. Said bonds and notes shall recite that they are issued in pursuance of this Act and the Constitution of this State, and such recital shall be conclusive evidence of the validity of said bonds and notes. Any such bonds or notes containing such recital shall, in any suit, action or proceeding involving their validity, be conclusively deemed to be fully authorized by this Act and to have been issued, executed and delivered in conformity herewith, and shall be incontestable for any cause. Said bonds and notes shall be in such form and in such denominations and may contain such other and further recital and be subject

to such terms and conditions, with such privileges as to registration, conversion, reconversion, redemption and exchange, and may contain such other provisions as may be determined by said "issuing officers". The principal of and the interest on said bonds and notes shall be made payable at the Farmers Bank of the State of Delaware at Dover.

Section 10. All moneys received from the sale of said bonds or notes shall be deposited by the State Treasurer in the Farmers Bank of the State of Delaware at Dover, and shall be used exclusively for the purpose of school construction in accordance with the provisions of this Act and for the purpose of paying the principal of notes issued under this Act.

Section 11. Any funds that shall accrue to any school district in this State from the Treasury of the United States for building purposes shall be deposited in the State Treasury and shall be allocated by the State Board of Education to the school district for which the funds are appropriated. The said funds shall be in addition to any other local share and/or state share.

Section 12. There is hereby appropriated to the State Treasurer of the State of Delaware such sums as shall be necessary during the biennium beginning July 1, 1953, and ending June 30, 1955, to pay interest on said bonds and notes and to pay the principal of said bonds. The budget Appropriation Bill enacted and approved by the General Assembly at the One Hundred and Eighteenth Session, and at each and every subsequent biennial session thereof, shall contain under the Debt Service Item provisions for the payment of the principal of and the interest on all bonds issued under this Act, as such principal and interest respectively become due; and all such revenues of the State of Delaware that are not prohibited by constitutional provisions or committed by preceding statutes for other purposes are hereby pledged for the payment of said bonds and interest thereon. For the purpose of paying the costs and expenses incident to the issuance of said bonds and notes and interest on said notes there is hereby appropriated from the General Fund of the State to the issuing officers the sum of fifty thousand dollars (\$50,000.00), or so much thereof as may be necessary for said purpose. All payments for expenses incident to the issuance of said bonds and interest on notes shall be paid



notes shall mature and be paid not later than June 30, 1955. The total amount of said notes outstanding at any one time, together with the total amount of said bonds theretofore issued, shall not exceed twelve million two hundred thirty-nine thousand eighty dollars (\$12,239,080.00). Said notes may be redeemed at par and accrued interest prior to their maturity, if the right of the State to do so shall have been reserved by an express provision in the notes. The principal of said notes shall be paid out of the proceeds of the sale of said bonds or notes.

Section 7. Said bonds and notes shall be direct general obligations of the State of Delaware, and the faith and credit of the State of Delaware are hereby pledged for the payment of the principal of and the interest on said bonds and notes as such principal and interest respectively become due. The principal of and the interest on said bonds and notes shall be exempt from taxation by the State of Delaware or by any political subdivision thereof for any purpose whatsoever.

Section 8. The said bonds and notes shall be signed in the name of the State of Delaware by the State Treasurer, and shall be authenticated by the signatures or facsimile signatures of the Governor and Secretary of State, and they shall have the Great Seal of the State impressed thereon. Interest coupons attached to said bonds shall be authenticated by the signature or facsimile signature of the State Treasurer. The said bonds and notes may be issued notwithstanding that any of the officers signing them or whose facsimile signature appears thereon or on the coupons of said bonds shall have ceased to hold office at the time of such issue or at the time of the delivery of said bonds or notes.

Section 9. Said bonds and notes shall recite that they are issued in pursuance of this Act and the Constitution of this State, and such recital shall be conclusive evidence of the validity of said bonds and notes. Any such bonds or notes containing such recital shall, in any suit, action or proceeding involving their validity, be conclusively deemed to be fully authorized by this Act and to have been issued, executed and delivered in conformity herewith, and shall be incontestable for any cause. Said bonds and notes shall be in such form and in such denominations and may contain such other and further recital and be subject

to such terms and conditions, with such privileges as to registration, conversion, reconversion, redemption and exchange, and may contain such other provisions as may be determined by said "issuing officers". The principal of and the interest on said bonds and notes shall be made payable at the Farmers Bank of the State of Delaware at Dover.

Section 10. All moneys received from the sale of said bonds or notes shall be deposited by the State Treasurer in the Farmers Bank of the State of Delaware at Dover, and shall be used exclusively for the purpose of school construction in accordance with the provisions of this Act and for the purpose of paying the principal of notes issued under this Act.

Section 11. Any funds that shall accrue to any school district in this State from the Treasury of the United States for building purposes shall be deposited in the State Treasury and shall be allocated by the State Board of Education to the school district for which the funds are appropriated. The said funds shall be in addition to any other local share and/or state share.

Section 12. There is hereby appropriated to the State Treasurer of the State of Delaware such sums as shall be necessary during the biennium beginning July 1, 1953, and ending June 30, 1955, to pay interest on said bonds and notes and to pay the principal of said bonds. The budget Appropriation Bill enacted and approved by the General Assembly at the One Hundred and Eighteenth Session, and at each and every subsequent biennial session thereof, shall contain under the Debt Service Item provisions for the payment of the principal of and the interest on all bonds issued under this Act, as such principal and interest respectively become due; and all such revenues of the State of Delaware that are not prohibited by constitutional provisions or committed by preceding statutes for other purposes are hereby pledged for the payment of said bonds and interest thereon. For the purpose of paying the costs and expenses incident to the issuance of said bonds and notes and interest on said notes there is hereby appropriated from the General Fund of the State to the issuing officers the sum of fifty thousand dollars (\$50,000.00), or so much thereof as may be necessary for said purpose. All payments for expenses incident to the issuance of said bonds and interest on notes shall be paid

by the State Treasurer upon warrants signed by the Secretary of State and approved by the Auditor of Accounts.

Section 13. The total maximum amount appropriated by Section 2 of this Act, the sum of twelve million two hundred thirty-nine thousand and eighty dollars (\$12,239,080.00) or so much thereof as shall be necessary to carry out the provisions of this Act, shall be apportioned by the State Board of Education to the following named school districts according to the following tabulation of maximum totals and shares, or in the proportions represented by said maximum totals and shares:

Name of District	Maximum Total Cost	Maximum State Share	Maximum Local Share
Alfred I. duPont #7 ....\$	570,000	\$ 342,000	\$ 228,000
Alexis I. duPont .....	130,000	78,000	52,000
Blades #172 .....	25,000	15,000	10,000
Bridgeville #90 .....	450,000	270,000	180,000
Caesar Rodney .....	250,000	150,000	100,000
Claymont .....	120,000	72,000	48,000
Conrad #131 .....	500,000	300,000	200,000
Corbitt #61 .....	25,000	15,000	10,000
Dover—White .....	1,200,000	720,000	480,000
Harrington—White ....	200,000	120,000	80,000
Hockessin #29 .....	16,500	9,900	6,600
Laurel—White .....	550,000	330,000	220,000
Lord Baltimore #28 ....	30,000	18,000	12,000
Marshallton #77 .....	400,000	240,000	160,000
Milford .....	150,000	90,000	60,000
Millsboro #23 .....	300,000	180,000	120,000
Milton #8 .....	145,000	87,000	58,000
Mount Pleasant .....	2,000,000	1,200,000	800,000
Newark .....	2,060,000	1,236,000	824,000
New Castle .....	700,000	420,000	280,000
Oak Grove #130 .....	700,000	420,000	280,000
Rehoboth .....	45,000	27,000	18,000
Rose Hill-Minquadale #47 .....	700,000	420,000	280,000
Seaford—White .....	600,000	360,000	240,000
Selbyville #32 .....	15,300	9,180	6,120
Stanton #38 .....	300,000	180,000	120,000
Wilmington .....	700,000	420,000	280,000

Dover—Colored .....	125,000	125,000	....
Bridgeville #220 .....	92,000	92,000	....
Delaware Day School ...	15,000	15,000	....
Frankford #206 .....	18,000	18,000	....
Georgetown—Colored ..	65,000	65,000	....
Wm. W. M. Henry—			
Comprehensive .....	500,000	500,000	....
Wm. C. Jason—			
Comprehensive .....	620,000	620,000	....
Kent and Sussex County			
Vocational - Academic			
School .....	250,000	250,000	....
Laurel—Colored .....	225,000	225,000	....
Millsboro #204 .....	140,000	140,000	....
Millside #132 .....	1,500,000	1,500,000	....
New Castle—			
Comprehensive .....	220,000	220,000	....
Newport #106 .....	250,000	250,000	....
Seaford—Colored .....	350,000	350,000	....
Selbyville #210 .....	140,000	140,000	....
<hr/>			
<b>TOTAL STATE</b>			
<b>PROGRAM .....</b>	<b>\$17,391,800</b>	<b>\$12,239,080</b>	<b>\$5,152,720</b>

Section 14. Except in the case of a school district for which a local share is not shown by the foregoing table, the state share apportioned to a school district shall not be expended unless the local share for such school district shall have been deposited with the State Treasurer on or before June 30, 1954.

Section 15. Any school district which is entitled under the provisions of this Act to an apportionment of a state share and which is required to provide a local share, is hereby authorized to issue its bonds for the purpose of raising money to pay its local share and raising such additional amount, if any, as such school district may desire to expend for school construction. If such bonds are issued, they shall be issued by the Board of Trustees or Board of Education of the school district pursuant to the provisions of Chapter 21 of Title 14 of the Delaware Code of 1953, except in the case of the City of Wilmington, in which case the local share to be contributed by the Board of Public

Education in Wilmington may be raised by the proper authorities of said City by issuing bonds pursuant to the provisions of Chapter 163, Volume 32, Laws of Delaware, as amended. Instead of issuing bonds as hereinbefore provided, any school district may pay its local share by using the proceeds of the sale of bonds heretobefore authorized or issued, or by using gifts or any other moneys on hand which are not required by law to be used for some other purpose.

Section 16. The State Board of Education shall determine the present necessity for any school construction program in the said several school districts and, in so doing, shall take into consideration the number of pupils, actual or potential, in the school district, the feasibility and possibility of the consolidation of school districts, the present and future possibility of overcrowding of school facilities within the school district, the condition and quality of existing school facilities within the district, and all other matters and conditions pertinent to the determination of the present necessity of the school construction program, including the reasonable future development or retardation of the school district. In making a determination of necessity, the said State Board of Education shall do so on a basis calculated to maintain the desired standard of education within the school district. In making such determination of necessity, the State Board of Education shall have the authority to make a determination of necessity of a school construction program for the several school districts which will have a lesser total cost than the maximum total cost for such school district than that set forth in Section 13 of this Act. Whenever a determination of necessity of a school construction program is made in an amount less than the total maximum cost for such school district as set forth in Section 13 of this Act, the state share and the local share shall be reduced in the proportion they bear to the total maximum cost set forth in that section.

Section 17. Whenever the State Board of Education shall make a determination of necessity for a school construction program within a school district, it shall certify that fact to the State Treasurer, together with the amount of the total cost, the state share, and the local share, if any, and shall send a copy of such certification to the State Auditor of Accounts, and the School Building Commission of such school district.

Upon the receipt by the State Treasurer of the certification of said determination, the said school construction program shall be deemed to be authorized and the provisions of this Act for the issuance of state and local bonds to provide the funds for school construction programs shall be in full force and effect with respect to such school construction program, provided, however, that, except in cases where a local share is not required by Section 13 of this Act, such school construction program shall not be carried out until the local share shall have been deposited with the State Treasurer as provided in Section 13. The issuing officers may at any time after the State Treasurer receives such certificate proceed to issue bonds or notes of the State to provide the funds for the State share thereof, whether or not the requisite local share shall have been actually deposited with the State Treasurer pursuant to Section 13, but the proceeds of said bonds or notes shall not be expended until the requisite local share shall have been so deposited.

Section 18. After making the certificate required by Section 17 the said State Board of Education is hereby authorized and directed to consider the final plans, estimates of costs, and specifications of any school construction program and to approve or modify such plans, estimates and specifications, and also to amend such certificate, provided that nothing herein shall be construed to give said State Board of Education the authority to increase the total state share of such program beyond the maximum limit set forth in Section 13 of this Act. In the event that said certificate shall be amended, as herein provided, the fact of such amendment shall be communicated to the State Treasurer, and a copy thereof sent to the State Auditor of Accounts, and the School Building Commission of the school district.

Section 19. In the event that two or more existing school districts shall consolidate themselves or be consolidated into one school district, the maximum total cost, the maximum state share, and the maximum local share of a school construction program for such consolidated district shall be the totals of said amounts appearing in Section 13 of this Act or the school districts so consolidating. Such consolidated district shall be deemed to be a school district within the meaning of this Act.

Section 20. The moneys paid to the State Treasurer by a school district as its local share pursuant to Section 13 of this Act shall be deposited by the State Treasurer in the Farmers Bank of the State of Delaware, at Dover, and shall be expended only for school construction in such district. Each of said local shares shall be credited with interest when and to the same extent as the said Bank credits interest on deposits of other State moneys in said Bank.

Section 21. The moneys hereby appropriated for use in defraying the cost of any school construction program, and the moneys hereby appropriated for the costs and expenses incident to the issuance of said bonds and notes, shall not revert to the State Treasury at the end of any fiscal year but shall remain available for said purposes until the school construction program has been completed.

Section 22. There is hereby created a commission for each school district to be known as the "School Building Commission". The School Building Commission of each school district shall be composed of the members of the Boards of Trustees or Board of Education of such school district and two members of the State Board of Education ex officio, the latter two to be appointed by the State Board of Education, except (1) in the City of Wilmington, where the Board of Education in Wilmington shall be the School Building Commission, and except (2) in school districts which do not have Board of Trustees or Boards of Education; in such cases the School Building Commission shall be composed of three residents of the school district appointed by the Governor and two members of the State Board of Education appointed by the State Board of Education. No act of a School Building Commission shall be binding unless a majority of the members of such Commission shall concur therein.

Section 23. The State Board of Education shall render such assistance to School Building Commissions as they may request in the preparation of their tentative and final plans for school construction under this Act.

Section 24. The final plans, specifications and estimates of costs for school construction outside the City of Wilmington under this Act must be approved by the State Board of Education.

Section 25. It shall be the province and duty of the School Building Commission for any particular district to cause the school construction program authorized under this Act for such school district to be carried out. Such School Building Commission shall have power to make and enter into all contracts for school construction and for labor, materials, supplies, instrumentalities, furniture and equipment required to accomplish any such school construction program (including purchase of all educational supplies necessary for the initial operation of schools so built, altered, or added to), provided that no contract involving expenditure of five hundred dollars (\$500.00) or more shall be entered into unless the same shall be properly advertised and given to the lowest and best bidder therefor, the School Building Commission reserving the right to reject any and all bids.

Section 26. The School Building Commission in each school district shall supervise, or cause to be supervised, by some one or more of its employees, the school construction program in such school district.

Section 27. The Secretary of the State Board of Education, or a person designated by him, shall be the Secretary of each of said School Building Commissions, except the School Building Commission in the City of Wilmington, and as such Secretary he shall be the accountant of such School Building Commission. The School Building Commission shall cause such secretary to inaugurate and maintain a system of accounting which shall show in detail the expenditures of the School Building Commission, the cost of school construction and such other details as the State Board of Education may from time to time require. Each School Building Commission shall have power to employ an engineer or engineers, an architect or architects, and such other employees as it shall deem essential to the proper and expeditious performance of its duties under this Act, and to fix the salaries and length of service and to dismiss them for any cause which it shall deem sufficient.

Section 28. Any School Building Commission may require a bond from any of its employees and any person contracting for school construction.



Section 20. The moneys paid to the State Treasurer by a school district as its local share pursuant to Section 13 of this Act shall be deposited by the State Treasurer in the Farmers Bank of the State of Delaware, at Dover, and shall be expended only for school construction in such district. Each of said local shares shall be credited with interest when and to the same extent as the said Bank credits interest on deposits of other State moneys in said Bank.

Section 21. The moneys hereby appropriated for use in defraying the cost of any school construction program, and the moneys hereby appropriated for the costs and expenses incident to the issuance of said bonds and notes, shall not revert to the State Treasury at the end of any fiscal year but shall remain available for said purposes until the school construction program has been completed.

Section 22. There is hereby created a commission for each school district to be known as the "School Building Commission". The School Building Commission of each school district shall be composed of the members of the Boards of Trustees or Board of Education of such school district and two members of the State Board of Education ex officio, the latter two to be appointed by the State Board of Education, except (1) in the City of Wilmington, where the Board of Education in Wilmington shall be the School Building Commission, and except (2) in school districts which do not have Board of Trustees or Boards of Education; in such cases the School Building Commission shall be composed of three residents of the school district appointed by the Governor and two members of the State Board of Education appointed by the State Board of Education. No act of a School Building Commission shall be binding unless a majority of the members of such Commission shall concur therein.

Section 23. The State Board of Education shall render such assistance to School Building Commissions as they may request in the preparation of their tentative and final plans for school construction under this Act.

Section 24. The final plans, specifications and estimates of costs for school construction outside the City of Wilmington under this Act must be approved by the State Board of Education.

Section 25. It shall be the province and duty of the School Building Commission for any particular district to cause the school construction program authorized under this Act for such school district to be carried out. Such School Building Commission shall have power to make and enter into all contracts for school construction and for labor, materials, supplies, instrumentalities, furniture and equipment required to accomplish any such school construction program (including purchase of all educational supplies necessary for the initial operation of schools so built, altered, or added to), provided that no contract involving expenditure of five hundred dollars (\$500.00) or more shall be entered into unless the same shall be properly advertised and given to the lowest and best bidder therefor, the School Building Commission reserving the right to reject any and all bids.

Section 26. The School Building Commission in each school district shall supervise, or cause to be supervised, by some one or more of its employees, the school construction program in such school district.

Section 27. The Secretary of the State Board of Education, or a person designated by him, shall be the Secretary of each of said School Building Commissions, except the School Building Commission in the City of Wilmington, and as such Secretary he shall be the accountant of such School Building Commission. The School Building Commission shall cause such secretary to inaugurate and maintain a system of accounting which shall show in detail the expenditures of the School Building Commission, the cost of school construction and such other details as the State Board of Education may from time to time require. Each School Building Commission shall have power to employ an engineer or engineers, an architect or architects, and such other employees as it shall deem essential to the proper and expeditious performance of its duties under this Act, and to fix the salaries and length of service and to dismiss them for any cause which it shall deem sufficient.

Section 28. Any School Building Commission may require a bond from any of its employees and any person contracting for school construction.

Section 29. All bills for the expenses of the School Building Commission of any school district for carrying out the school construction program of such school district under this Act, except the City of Wilmington, must be marked "approved", and such approval must be signed by the chairman or vice-chairman of such School Building Commission, and attested by the Secretary or acting secretary of such Commission.

Section 30. The School Building Commission of each School district, except the City of Wilmington, shall, when and as funds are required (and not until then) for the payment of the expenses of carrying out the school construction program in such school district contemplated by this Act, including expenses of engineers, architects and other employees of such School Building Commission, draw warrants on the State Treasurer for the moneys required, which warrants shall be signed by the chairman or vice-chairman and attested by the secretary or acting secretary of such School Building Commission; and such warrants shall be delivered to the State Auditor of Accounts, who shall thereupon deliver them to the State Treasurer, and the State Treasurer shall pay the same. In paying warrants, as aforesaid, the State Treasurer shall be governed by the certificate of the State Board of Education made as hereinbefore provided as the cost of the School construction program in such school district, and as to what portion of such cost shall be paid out of the moneys hereby appropriated as the State's share of such cost and what portion thereof shall be paid out of the local share of the cost.

Section 31. The carrying out of school construction programs in the City of Wilmington shall be within the exclusive jurisdiction of the Board of Public Education in Wilmington. Said Board of Public Education in Wilmington is authorized and empowered to make all contracts and to do all things necessary or proper for the purpose of carrying out such construction programs in the City of Wilmington; provided, that the cost thereof to be paid under this Act shall not exceed in the aggregate the total of the State share certified by the State Board of Education pursuant to Sections 17 and 18 of this Act and the local share deposited pursuant to Section 14 of this Act by the Board of Public Education in Wilmington; and provided, further that all of the provisions of Sections 16, 17 and 18 of this

Act relating to school construction programs shall apply to the school construction programs in the City of Wilmington.

Section 32. The Board of Public Education in Wilmington shall, when and as funds are required (and not until then) for the payment of the cost of school construction programs in the City of Wilmington carried out under the provisions of this Act, draw warrants on the State Treasurer for the moneys required, which warrants shall be signed by its president or vice-president and attested by its secretary or acting secretary, and shall be delivered to the State Auditor of Accounts, who shall thereupon deliver them to the State Treasurer, and the State Treasurer shall pay the same out of the moneys made available for said purpose under the provisions of this Act.

Section 33. The Board of Public Education in Wilmington shall keep accurate detailed accounts of the cost of all school construction in the City of Wilmington under the provisions of this Act and of all moneys expended therefor. Such accounts shall be deemed to be public records.

Section 34. Whenever lands shall be required for school construction under this Act in the City of Wilmington, the Board of Public Education in Wilmington is authorized to select and acquire such land. And whenever land shall be required for the carrying out of any school construction for any special school district outside of the City of Wilmington, the School Building Commission of such special school district is authorized to select and acquire such land. And whenever land shall be required for school construction under this Act in any other school district in this State, the local School Building Commission is authorized to acquire such land.

Such land may be acquired by contract with the owner or owners thereof at a fair value or by condemnation proceedings instituted by the appropriate official body; but such condemnation proceedings shall not be instituted against any land, building, franchise, easement or other property of a public utility used by it in providing its service to the public.

The cost of such lands shall be deemed to be part of the cost of such school construction.

The title to any such lands acquired in any manner whatever shall be a fee simple title and shall be vested in the State Board of Education, except that the title to lands so acquired in the City of Wilmington or in any special school district shall be vested in the Board of Public Education in Wilmington or in the Board of Education of such special school district, as the case may be.

Section 35. Condemnation proceedings to acquire land, as aforesaid, in any case where such land cannot for any reason be acquired by contract with the owner or owners thereof for a fair or reasonable consideration, may be instituted by the appropriate official body under the provisions of Section 2303 of Title 14 of the Delaware Code of 1953.

Section 36. Notwithstanding anything heretofore contained in this Act, in case any School District shall have deposited with the State Treasurer on or before June 30, 1953, its local share pursuant to the provisions of Chapter 148, Volume 48, Laws of Delaware, and the final plans and specifications for the School Construction program of such School District shall have been approved pursuant to the provisions of said Act, no Certificate of Necessity under Section 16 hereof, no Certificate to the State Treasurer or notice by the State Treasurer under the provisions of Section 17 of this Act, no Certificate of Approval of Final Plans, costs and Specifications under Section 18 of this Act and no Approval of Final Plans, Specifications and Estimates of Cost as provided in Section 24 of this Act shall be required. In the case of any area school district to which this section applies no further School Building Commission shall be created but the School Building Commission of each such School District appointed pursuant to Chapter 148, Volume 48, Laws of Delaware, shall continue with all of the powers and duties conferred upon such Commission by the Act aforesaid. This Section shall be applicable only with respect to School Districts in which the final plans and specifications heretofore approved by the State Board of Education have not been substantially altered. The certificate of the Secretary of the School Building Commission for any such School District that no substantial change or alteration has been made in the plans or specifications of the Construction Program of the District shall be conclusive evidence of such fact.

Section 37. The funds appropriated and apportioned by this Act for particular school districts shall be in addition to and not in lieu of any funds which may be made available for any of the named school districts by a Supplementary School Building Program Act of 1953 or any other Act of the General Assembly.

Section 38. If any clause, sentence, section, provision or part of this Act shall be adjudged to be unconstitutional or invalid for any reason by any court of competent jurisdiction, such judgment shall not impair, invalidate or affect the remainder of this Act, which shall remain in full force and effect.

Section 39. This Act shall be known as the School Building Program Act of 1953.

Approved July 10, 1953.

## CHAPTER 338

## RELATING TO FISH, OYSTERS AND GAME

**AN ACT TO AMEND CHAPTER 7, TITLE 7, DELAWARE CODE OF 1953, RELATING TO GAME AND FISH—REGULATIONS, ETC., BY REGULATING THE ERECTION AND REMOVAL OF BOOBY, BRUSH OR STAKE BLINDS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 747, Chapter 7, Title 7, Delaware Code of 1953, is amended by striking out all of § 747 and substituting the following:

§ 747. Booby, brush or stake blinds; erection and removal of

No booby, brush or stake blinds shall be erected sooner than thirty days prior to the open season for the hunting of wild water fowl and all such blinds shall be removed within thirty days after the close of said season.

Approved July 10, 1953.

## CHAPTER 339

## APPROPRIATION

## STATE BOARD OF EDUCATION

**AN ACT TO AMEND TITLE 14, DELAWARE CODE OF 1953,  
ENTITLED "EDUCATION" BY CHANGING THE METH-  
OD OF PAYMENT OF THE CHIEF SCHOOL OFFICERS  
OF A SCHOOL DISTRICT AND APPROPRIATING FUNDS  
THEREFOR.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1306, Title 14, Delaware Code of 1953, is amended by adding the words "and (b)" after the words and figures "section 1305 (a)" in line 4 thereof.

Section 2. There is appropriated to the State Board of Education the sum of \$35,060 for the year ending June 30, 1954, and the further sum of \$35,060, for the year ending June 30, 1955, for the purpose of putting section 1 into effect.

Section 3. The funds appropriated in section 2 shall be added to the funds appropriated by the General Assembly for this purpose and shall be included with those funds by the State Auditor of Accounts.

Section 4. This Act shall be known as a supplementary appropriation act and the funds appropriated shall be paid out of the General Fund of the State not otherwise appropriated.

Approved July 10, 1953.



## CHAPTER 338

## RELATING TO FISH, OYSTERS AND GAME

**AN ACT TO AMEND CHAPTER 7, TITLE 7, DELAWARE CODE OF 1953, RELATING TO GAME AND FISH—REGULATIONS, ETC., BY REGULATING THE ERECTION AND REMOVAL OF BOOBY, BRUSH OR STAKE BLINDS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 747, Chapter 7, Title 7, Delaware Code of 1953, is amended by striking out all of § 747 and substituting the following:

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Section 3. The funds appropriated in section 2 shall be added to the funds appropriated by the General Assembly for this purpose and shall be included with those funds by the State Auditor of Accounts.

Section 4. This Act shall be known as a supplementary appropriation act and the funds appropriated shall be paid out of the General Fund of the State not otherwise appropriated.

Approved July 10, 1953.

CHAPTER 340

RELATING TO KENT COUNTY LEVY COURT

**AN ACT TO AMEND CHAPTER 41, TITLE 9, DELAWARE  
CODE OF 1953 ENTITLED "LEVY COURT OF KENT  
COUNTY" BY INCREASING THE BORROWING POW-  
ERS OF THE LEVY COURT OF KENT COUNTY.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 4111, Title 9, Delaware Code of 1953 is amended by substituting the figures "\$185,000" for the figures "\$100,000" as the same appear in the second line thereof.

Approved July 10, 1953.

## CHAPTER 341

RELATING TO LICENSE FEE FOR MANUFACTURE AND SALE OF BEER

**AN ACT TO AMEND CHAPTER 5 OF TITLE 4 OF THE  
DELAWARE CODE OF 1953, IN REFERENCE TO THE  
LICENSE FEE FOR MANUFACTURE AND SALE OF  
BEER.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 555, paragraph (k) of Chapter 5, Title 4, of the Delaware Code of 1953, be and the same is hereby amended to read as follows:

“(k) For a license to ‘manufacture’ and to ‘sell’ ‘beer’, the license fee shall be One Thousand Dollars (\$1,000.00) for a brewery manufacturing not more than fifty thousand barrels of ‘beer’ per year; Two Thousand Dollars (\$2,000.00) for a brewery manufacturing more than fifty thousand barrels but not more than one hundred thousand barrels of ‘beer’ per year; and Three Thousand Dollars (\$3,000.00) for a brewery manufacturing more than one hundred thousand barrels of ‘beer’ per year.”

Approved July 10, 1953.

## CHAPTER 342

## RELATING TO ALCOHOLIC LIQUORS

**AN ACT TO AMEND CHAPTER 5, TITLE 4, DELAWARE CODE OF 1953 RELATING TO ALCOHOLIC LIQUORS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 555(a), Chapter 5, Title 4, Delaware Code of 1953 is amended by substituting the figures "\$400" for the figures "\$300" as the same appear in line 3 thereof, and by substituting the figures "\$225" for the figures "\$150" as the same appear in line 4 thereof and by substituting the figures "\$225" for the figures "\$150" as the same appear in the last line thereof.

Section 2. § 555(b), Chapter 5, Title 4, Delaware Code of 1953 is amended by substituting the figures "\$225" for the figures "\$150" as the same appear in line 2 thereof and substituting the figures "\$400" for the figures "\$300" as the same appear in the last line thereof.

Section 3. § 555(c), Chapter 5, Title 4, Delaware Code of 1953 is amended by substituting the figures "\$150" for the figures "\$100" as the same appear therein.

Section 4. § 555(d), Chapter 5, Title 4, Delaware Code of 1953 is amended by substituting the figures "\$100" for the figures "\$75" as the same appear in line 2 thereof, and substituting the figures "\$200" for the figures "\$150" as the same appear in line 3 thereof.

Section 5. § 555(e), Chapter 5, Title 4, Delaware Code of 1953 is amended by substituting the figures "\$225" for the figures "\$150" as the same appear therein.

Section 6. § 555(f), Chapter 5, Title 4, Delaware Code of 1953 is amended by substituting the figures "\$125" for the figures "\$100" as the same appear therein.

Section 7. § 555(g), Chapter 5, Title 4, Delaware Code of 1953 is amended by substituting the figures "\$400" for the figures "\$300" as the same appear in line 2 thereof and substituting the figures "\$225" for the figures "\$150" as the same appear in line 3 thereof.

Section 8. § 555(h), Chapter 5, Title 4, Delaware Code of 1953 is amended by substituting the figures "\$225" for the figures "\$150" as the same appear therein.

Section 9. § 555(i), Chapter 5, Title 4, Delaware Code of 1953 is amended by substituting the figure "\$2" for the figure "\$1" as the same appears therein.

Section 10. § 555(j), Chapter 5, Title 4, Delaware Code of 1953 is amended by substituting the figure "\$2" for the figure "\$1" as the same appears therein.

Section 11. § 555(o), Chapter 5, Title 4, Delaware Code of 1953 is amended by substituting the figures "\$4,000" for the figures "\$3,000" as the same appear therein.

Section 12. § 555(p), Chapter 5, Title 4, Delaware Code of 1953 is amended by substituting the figures "\$750" for the figures "\$500" as the same appear therein.

Section 13. § 581(a), Chapter 5, Title 4, Delaware Code of 1953 is amended to read as follows:

**§ 581. Payment of tax; Commission rules and regulations**

(a) No person may purchase and receive from the Commission, or from any manufacturer or importer, any alcoholic liquor without paying to the commission a tax on the alcoholic liquor purchased at the following rates—

- (1) For each barrel of beer, \$2.
- (2) For each gallon of wine, except sacramental wines, 35 cents.
- (3) For each gallon of spirits containing 25 per cent or less of ethyl alcohol by volume, \$.90.

(4) For each gallon of spirits containing more than 25 per cent ethyl alcohol by volume, \$1.15.

(5) For each gallon of alcohol per gallon of ethyl alcohol contained, two dollars, except that the tax of two dollars shall not apply to the purchase of alcohol by pharmacists, physicians, dentists, veterinarians, wholesale druggists, manufacturing plants where the alcohol is used in scientific work, or for the manufacture of pharmaceutical products.

Section 14. Sections 1, 2, 3, 4, 5, 6, 7, 8, 11 and 12 of this act shall apply to licenses issued for the tax year beginning July 1, 1954 and to all subsequent licenses. Sections 9 and 10 shall become effective on approval of this act. Section 13 shall become effective July 1, 1953, or as soon thereafter as the Liquor Commission is able to put such section into effect.

Approved July 10, 1953.

## CHAPTER 343

## RELATING TO MERCHANTS' LICENSE TAX

**AN ACT TO AMEND CHAPTER 29, TITLE 30, DELAWARE CODE OF 1953 RELATING TO MERCHANTS' LICENSE TAX.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2901, Chapter 29, Title 30, Delaware Code of 1953 is amended so that the phrase "one-tenth of one per cent" in subsection (b) thereof shall read "one-seventh of one per cent".

Section 2. § 2902, Chapter 29, Title 30, Delaware Code of 1953 is amended so that the phrase "one-tenth of one per cent" wherever it appears in said section is amended to read "one-seventh of one per cent".

Section 3. § 2905, Chapter 29, Title 30, Delaware Code of 1953 is amended by substituting the words "thirty cents" for the words "twenty cents" wherever the same appear in said section.

Section 4. § 2921, Chapter 29, Title 30, Delaware Code of 1953 is amended by substituting the words "one-seventh of one per cent" for the words "ten cents for each \$100" wherever the same appear therein.

Section 5. This act shall be effective as to all purchases made on and after June 1, 1953.

Approved July 10, 1953.



## CHAPTER 344

## RELATING TO CIGAR AND CIGARETTE TAX

**AN ACT TO AMEND CHAPTER 53, TITLE 30, DELAWARE CODE OF 1953 RELATING TO CIGAR AND CIGARETTE TAX.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 5303, Chapter 53, Title 30, Delaware Code of 1953 is amended by substituting the words "one and one-half cents" for the words "one cent" as the same appear in line 2 thereof.

Section 2. § 5313(b), Chapter 53, Title 30, Delaware Code of 1953 is amended by substituting the following words "a commission of 5 per cent on the par value of stamps affixed to cigarettes and a commission of 7½ per cent on the par value of stamps affixed to cigars" for the words "a commission of 7½ per cent on the par value thereof" as the same appear in lines 10 and 11 of said subsection.

Section 3. This act shall be effective on the first day of the third month next succeeding its approval.

Approved July 10, 1953.

## CHAPTER 345

## RELATING TO HORSE RACING

**AN ACT TO AMEND CHAPTER 3, TITLE 28, DELAWARE CODE OF 1953 RELATING TO HORSE RACING.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 365, Chapter 3, Title 28, Delaware Code of 1953, is amended by striking out all of said section and substituting in lieu thereof the following:

**§ 365. Tax on pari-mutuel and totalizator pools**

Every person engaged in the business of conducting a racing meet under this chapter shall pay as a tax to this State  $3\frac{1}{2}\%$  of the total contributions to all pari-mutuel and totalizator pools conducted or made on any and every race track licensed under this chapter and on every race at such track, plus one-half of the odd cents of all redistributions to be made on pari-mutuel or totalizator pool contributions exceeding the sum equal to the lowest multiple of ten, such odd cents to be calculated upon the basis of each dollar wagered. The tax shall be paid by certified check and shall be transmitted by the licensee to the Commission. If the Commission finds it correct it shall transmit the check to the State Treasurer.

Section 2. § 366, Chapter 3, Title 28, Delaware Code of 1953, is amended by striking out all of sub-paragraph (a) thereof and substituting in lieu thereof the following:

**§ 366. Licensee's commissions on pari-mutuel and totalizator pools; use**

(a) The Commission shall authorize as commissions on pari-mutuel and totalizator pools to the licensee operating a racing meet, 3% of the total contributions to all pari-mutuel and totalizator pools conducted by him at the racing meet, and at every race at the meeting, plus one-half of the odd cents of all

redistributions to be made on all pari-mutuel or totalizator pool contributions exceeding the sum equal to the next lowest multiple of ten, such odd cents to be calculated upon the basis of each dollar wagered.

Section 3. This act shall become effective January 1, 1954.

Approved July 10, 1953.

## CHAPTER 346

## IN RELATION TO OCCUPATIONAL LICENSES

**AN ACT TO AMEND THE DELAWARE CODE OF 1953 IN  
RELATION TO OCCUPATIONAL LICENSES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2114, Chapter 21, Title 30, Delaware Code of 1953 is amended by substituting the figures "\$10" for the figures "\$5.00".

Section 2. § 2301, Chapter 23, Title 30, Delaware Code of 1953 is amended so that:

"Advertising agency, \$25" shall read "Advertising agency, \$50";

The figure "\$1" in subparagraph (1) of the paragraph on "Amusement Conductor" as it relates to "Vending machine owner" shall read "\$2";

The figures "\$10" and "\$20" in subparagraph (2) of the paragraph on "Amusement Conductor" as they relate to "Music machine owner" shall read respectively "\$20" and "\$40";

"Architect, \$10" shall read "Architect, "\$20";

"Attorney-at-Law, \$10" shall read "Attorney-at-Law, \$20";

"Auctioneer, \$10" shall read "Auctioneer, \$20";

"Barber, \$5 for first two chairs and \$1 for each additional chair used, but not more than \$10" shall read "Barber, \$10 for first two chairs and \$2 for each additional chair used, but not more than \$20";

"Beautician, \$5 for the first two chairs and \$1 for each additional chair used, but not more than \$10" shall read "Beautician, \$10 for the first two chairs and \$2 for each additional chair used, but not more than \$20";

"Chiropodist, \$10" shall read "Chiropodist, \$20";

"Chiropractor, \$10" shall read "Chiropractor, \$20";

"Coat and towel supplier, \$10" shall read "Coat and towel supplier, \$20";

"Coin operated amusement machine owner, \$10", shall read: "Coin operated amusement machine owner, \$20", and in the same paragraph the figures "\$5" and "\$10" shall read respectively "\$10" and "\$20";

"Conveyancer, \$10" shall read "Conveyancer, \$20";

"Dairyman, \$10" shall read "Dairyman, \$20";

"Deadly weapons merchant, \$25" shall read "Deadly weapons merchant, \$50";

"Dentist, \$10" shall read "Dentist, \$20";

"Distributor, \$10" shall read "Distributor, \$20";

"Drayman, \$10" shall read "Drayman, \$20";

"Eating house keeper, \$10" shall read "Eating house keeper, \$20";

"Employment agent, \$10" shall read "Employment agent, \$20";

"Finance acceptor, \$25" shall read "Finance acceptor, \$50";

"Floor show operator, \$25" shall read "Floor show operator, \$50";

"General repairman, \$10" shall read "General repairman, \$20";

"Hand laundry operator, \$10" shall read "Hand laundry operator, \$20";

"Incorporator, \$10" shall read "Incorporator, \$20";

"Junk dealer, \$10" shall read "Junk dealer, \$20";

"Laundry operator, \$25" shall read "Laundry operator, \$50";

"Manicurist, \$10" shall read "Manicurist, \$20";

"Mercantile agency, \$10" shall read "Mercantile agency, \$20";

"Motor vehicle serviceman, \$10" shall read "Motor vehicle serviceman, \$20";

Operator of pool tables, billiard tables, shuffle boards or bowling alleys: The figures "\$15", "\$10", and "\$5" in the paragraph relating to such operators shall read respectively, "\$30", "\$20", and "\$10";

"Optometrist, \$10" shall read "Optometrist, \$20";

"Osteopath, \$10" shall read "Osteopath, \$20";

"Pawnbroker, \$10" shall read "Pawnbroker, \$20";

"Photographer, \$20" shall read "Photographer, \$40";

"Transient photographer, "\$25 per day" shall read "Transient photographer \$50 per day";

"Physician and/or Surgeon, \$10" shall read "Physician and/or Surgeon, \$20";

"Professional engineer, \$10" shall read "Professional engineer, \$20";

"Public accountant, \$10" shall read "Public accountant, \$20";

"Public bath keeper, \$10" shall read "Public bath keeper, \$20";

"Purchase order system operator, \$10" shall read "Purchase order system operator, \$20";

"Real estate agent, \$10" shall read "Real estate agent, \$20";

"Stallion or jack keeper, \$10" shall read "Stallion or jack keeper, \$20";

"Taxicab or Bus operator, \$10, for the first motor vehicle; \$2, for each additional motor vehicle" shall read "Taxicab or Bus operator, \$20, for the first motor vehicle; \$4, for each additional motor vehicle";

"Transportation Agent, \$10" shall read "Transportation Agent, \$20";

"Textile renovator, \$10" shall read "Textile renovator, \$20";

"Undertaker, \$10", shall read "Undertaker, \$20";

"Veterinarian, \$10", shall read "Veterinarian, \$20";

"Warehouseman, \$10", shall read "Warehouseman, \$20".

Section 3. § 902, Chapter 9, Title 24, Delaware Code of 1953 is amended by substituting the figures "\$50" for the figures "\$25" as the same appear on the fourth line thereof.

Section 4. § 3102, Chapter 31, Title 30, Delaware Code of 1953 is amended by substituting the figures "\$20" for the figures "\$10" as the same appear in subsection (1) and by substituting the figures "\$50" for the figures "\$25" as the same appear in subsection (2) thereof.

Section 5. § 3103, Chapter 31, Title 30, Delaware Code of 1953 is amended by substituting the figures "\$50" for the figures "\$25" as the same appear in subsection (1) thereof.

Section 6. § 3110 (a), Chapter 31, Title 30, Delaware Code of 1953 is amended by substituting the figures "\$50" for the figures "\$25" as the same appear in line three of said subsection.

Section 7. This act shall apply to taxes collected for licenses effective June 1, 1954 and all subsequent tax collections.

Approved July 10, 1953.

## CHAPTER 347

PROVIDING FOR CONTINUOUS REVISION OF DELAWARE CODE OF 1953

**AN ACT TO AMEND TITLE 1, DELAWARE CODE OF 1953 ENTITLED "GENERAL PROVISIONS" BY PROVIDING FOR THE CONTINUOUS REVISION OF THE DELAWARE CODE OF 1953 AND APPROPRIATING FUNDS.**

WHEREAS, the Delaware Code of 1953 is a complete compilation of the general and permanent statutes of the State of Delaware, and

WHEREAS, it is desirable that the said Code be kept up to date from year to year, and

WHEREAS, the permanent edition of the said Code to be delivered in the near future will be so bound as to accommodate pocket supplements to be inserted at the back of each volume, and

WHEREAS, the said Code in section 110 of Title 1 provides that such supplements shall be prima facie a part of the Code, and

WHEREAS, such supplements containing revisions in the law would be of special value to the General Assembly, State agencies, Courts and the general public, NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 1, Delaware Code of 1953 is amended by adding thereto the following new chapter.

### **CHAPTER 2. CONTINUOUS CODE REVISION**

#### **SUBCHAPTER I. DELAWARE CODE REVISION COMMISSION**

##### **§ 201. Appointment; composition**

The Executive Director of the Legislative Reference Bureau and another attorney-at-law licensed to practice before the Supreme Court of the State of Delaware shall constitute



the Delaware Code Revision Commission (the Commission). The above mentioned attorney-at-law shall be appointed by the Governor for a term of four years beginning February 1 of each odd numbered year. At the time of his appointment he shall not be affiliated with the same political party as is the Executive Director of the Legislative Reference Bureau. In case of vacancy the Governor shall make an appointment for the unexpired term.

#### **§ 202. Compensation and expenses**

(a) Each member of the Commission shall receive an annual salary of \$2,400.

(b) The Legislative Reference Bureau shall provide office facilities for the use of the Commission and the necessary expenses of the members of the Commission shall be paid out of the funds appropriated to the Legislative Reference Bureau.

### **SUBCHAPTER II. PREPARATION OF SUPPLEMENTS**

#### **§ 210. General duty of Commission**

At the close of each regular biennial session of the General Assembly, the Delaware Code Revision Commission shall prepare or cause to be prepared supplements to each volume of the Delaware Code of 1953 containing the amendments to the Code and all other general and permanent laws which have become law since the publication of the last such supplement, noting the sections that have been repealed and generally bringing the Code up to date. Such supplements may also contain additional annotations based upon Court decisions.

#### **§ 211. Scope of editorial revision; omissions**

(a) In preparing the supplements, the Commission shall not alter the sense, meaning or effect of any act of the General Assembly but it may:

(1) Renumber and rearrange sections or parts of sections;

(2) Transfer sections or divide sections so as to give to distinct subject matters a separate section number, but without changing the meaning;

(3) Insert or change the wording of headnotes;

(4) Change reference numbers to agree with renumbered chapters or sections;

(5) Substitute the proper section or chapter number for the terms "this act", "the preceding section" and the like;

(6) Strike out figures where they are merely a repetition of written words and vice-versa.

(7) Change capitalization for the purpose of uniformity;

(8) Correct manifest typographical and grammatical errors, and

(9) Make any other purely formal or clerical changes in keeping with the purpose of the revision.

(b) The Commission shall omit all titles of acts, all enacting, resolving, and repealing clauses, all appropriation measures, all temporary or local statutes, all declarations of emergency, and all validity, declaration of policy, and construction clauses, except when the retention thereof is necessary to preserve the full meaning and intent of the law.

#### **§ 212. Bids, contract**

The Commission shall, upon such specifications and conditions as it shall determine, duly and sufficiently advertise for bids for the compilation, revision, annotation, printing and binding of the pocket supplements and shall award a contract for such work to the lowest and best legal publisher of recognized standing as such. Such bids shall be opened in the presence of the bidders or their representatives who may choose to attend. The Commission shall have the right in the interest of the quality of work or in the interest of economy to the State to reject any or all of such bids and, if occasion shall in the judgment of the Commission require, may readvertise for bids.

**§ 213. Number of supplements; sale rights to non-residents**

The Commission shall cause to be printed and delivered to the State not more than 2,500 copies of the pocket supplements. The Commission is authorized in awarding the contract for the printing of the supplements to grant the publisher such sales rights with respect to non-residents of the State as in the judgment of the Commission would be advantageous to the State.

**SUBCHAPTER III. DISTRIBUTION AND SALE**

**§ 220. Duties of Secretary of State**

The completed supplements shall be delivered to the Secretary of State who shall distribute the supplements to the General Assembly and State agencies and sell the supplements to the public in the same manner and under the same terms and conditions as is provided for the distribution and sale of the Code in section 108, subsections (a), (b), (c) and (e) of this title. The price for which each set of supplements shall be sold by the State shall be not less than the cost to the State of the preparation of such supplements (exclusive of the salaries of the Commission).

Section 2. The sum of \$4,800. is appropriated to the Commission for the fiscal year beginning July 1, 1953 and a like sum of \$4,800 is appropriated to the Commission for the fiscal year beginning July 1, 1954, for the payment of the salaries of the two Commissioners. The additional sum of \$12,500, or so much thereof as may be necessary, is appropriated to the Commission to be used in connection with the contract herein referred to, and any funds not so expended by June 30, 1955 shall revert to the General Fund.

Section 3. This Act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved July 10, 1953.

## CHAPTER 348

IN RELATION TO DELAWARE COMMISSION FOR THE FEEBLE MINDED

**AN ACT TO AMEND CHAPTER 370, VOLUME 48, LAWS OF  
DELAWARE, BY ALTERING THE USE OF A PORTION  
OF THE FUNDS RAISED BY THE BOND ISSUE THERE-  
IN AUTHORIZED.**

WHEREAS, the 117th General Assembly has approved a Bill entitled "AN ACT TO AMEND CHAPTER 137, VOLUME 48, LAWS OF DELAWARE, 1951, ENTITLED 'AN ACT MAKING AN APPROPRIATION TO DELAWARE COMMISSION FOR THE FEEBLE MINDED TO PROVIDE FOR THE ERECTION AND EQUIPMENT OF CERTAIN BUILDINGS IN CONNECTION WITH THE STATE INSTITUTION FOR FEEBLE MINDED AT DELAWARE COLONY.'", known as Senate Bill No. 218 with Senate Amendment No. 1, AND

WHEREAS, said Bill became law by approval of the Governor on May 25, 1953, AND

WHEREAS, said Bill authorized the Delaware Commission for the Feeble Minded to use \$125,000 originally appropriated for a centralized kitchen at Stockley for other purposes therein designated namely redesigning, reconstructing and replacing furniture and equipment necessary to establish the Dietary Control Department, AND

WHEREAS, the said \$125,000 must be raised through a bond issue authorized by Chapter 370, Volume 48, Laws of Delaware, which chapter still specifies that said funds shall be used for the erection, construction and equipment of a centralized kitchen at Delaware Colony, NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all Members elected to each House concurring therein):*

Section 1. Section 1 (d), Chapter 370, Volume 48, Laws of Delaware is amended to read as follows:

(d) To be expended by the Delaware Commission for the Feeble Minded for the redesigning, reconstructing and replac-

ing furniture and equipment necessary to establish the Dietary Control Department at Delaware Colony, the State Training School, in accordance with the accepted standards for dietary control as established by the American Association on Mental Deficiency ..... \$125,000.

Approved July 10, 1953.

## CHAPTER 349

## APPROPRIATION

## PUBLIC ARCHIVES COMMISSION

**AN ACT APPROPRIATING THE SUM OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) TO THE TRUST FUND OF THE PUBLIC ARCHIVES COMMISSION FOR THE FURTHER RESTORATION OF THE JOHN DICKINSON MANSION AS AN HISTORIC SITE.**

WHEREAS, the house in which John Dickinson, the "Penman of the Revolution", was reared and in which he lived while serving in the Delaware Militia during the Revolutionary War and as Governor (1781-1782) had deteriorated and was in danger of being destroyed; and

WHEREAS, his famous writings in support of the American colonists and his efforts in connection with the Articles of Confederation and the Federal Constitution qualify him as one of the founders of our Country; and

WHEREAS, pursuant to an Act of the previous session of the General Assembly, providing for the establishment of a Trust Fund for the protection of historic sites, numerous citizens of the State through the Historic Activities Committee of the National Society of Colonial Dames in the State of Delaware have contributed the sum of twenty-five thousand dollars (\$25,000.00) to the Trust Fund to acquire the John Dickinson Mansion and begin its restoration, so that it may be perpetuated as part of our cultural heritage and an example to future generations; therefore,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. That the sum of twenty-five thousand dollars (\$25,000.00) is hereby appropriated to the Public Archives Commission of the State of Delaware from any moneys in the Treasury of the State of Delaware not otherwise appropriated, for the purpose of defraying the expenses of the said Commis-

sion in completing the restoration and furnishing the John Dickinson Mansion near Dover as an historic site. The State Treasurer, upon the approval of this Act, is directed to pay the sum hereby appropriated to the Trust Fund of the Public Archives Commission upon warrants signed by the President and Secretary of the said Public Archives Commission.

Section 2. This Act shall be known as a Supplementary Appropriation Act, and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated, unless an omnibus bond bill, including the above appropriation, is enacted into law by the 117th General Assembly of the State of Delaware in which event the above appropriation may be paid out of moneys received by the sale of bonds authorized under said act. No portion of the money appropriated as aforesaid shall be deemed or held to revert at the end of any fiscal year, but the said appropriation shall remain available until the objects and purposes of this Act have been fully accomplished.

Approved July 10, 1953.

## CHAPTER 350

## RELATING TO PURCHASE OF VOTING MACHINES

**AN ACT TO AUTHORIZE THE LEVY COURT OF KENT COUNTY TO BORROW A SUM NOT EXCEEDING THE SUM OF \$85,000.00 FOR THE PURPOSE OF PURCHASING VOTING MACHINES TO BE USED FOR ELECTIONS IN KENT COUNTY, DELAWARE AND PROVIDING FOR THE PAYMENT OF SAID MONEY SO BORROWED .**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Anything in the Delaware Code of 1953 notwithstanding the Levy Court of Kent County shall be authorized and empowered to borrow a sum not in excess of the sum of \$85,000.00 for the purpose of purchasing voting machines to be used for elections in Kent County, Delaware; to exercise the power aforesaid, the Levy Court of Kent County shall adopt a resolution to that effect, which resolution shall require the affirmative vote of two members of said Levy Court.

The amount so borrowed shall be evidenced by the bond or bonds of the said Levy Court in such denomination or denominations due at such time or times and at such rate of interest and in such form as the said Levy Court may determine and the faith and credit of said County shall be pledged for the payment thereof.

All such bonds shall be signed by the President of the said Levy Court of Kent County, countersigned by the Clerk of the Peace and sealed with the official seal of the Levy Court.

The said bond or bonds of the Levy Court of Kent County shall be exempt from all state, county, and municipal taxes.

A Statement appearing in the bonds issued under the provisions of this Section to the effect that the bonds have been duly authorized shall be deemed and held to be conclusive evidence of the lawful holder of said bonds, that the terms and conditions of this section have been fully met and complied with.

Approved July 10, 1953.



## CHAPTER 351

### RELATING TO STATE WELFARE HOME

#### **AN ACT TO AMEND TITLE 31, DELAWARE CODE OF 1953 ENTITLED "WELFARE" BY PROVIDING FOR GENERAL RELIEF.**

WHEREAS, AN ACT TO REPEAL TITLE 31, CHAPTER 7, DELAWARE CODE OF 1953 RELATING TO THE STATE WELFARE HOME AND ESTABLISHING A BOARD OF TRUSTEES OF THE STATE WELFARE HOME AND HOSPITAL FOR THE CHRONICALLY ILL AT SMYRNA AND SETTING FORTH ITS POWERS AND DUTIES, approved by the Governor June 17, 1953, placed the said Welfare Home under a separate Board, AND

WHEREAS, it is the intention of the General Assembly that the general relief program of the State of Delaware should continue under the jurisdiction of the Board of Welfare without change, NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 31, Delaware Code of 1953 is amended by adding thereto a new chapter as follows:

### **CHAPTER 6. GENERAL RELIEF**

#### **§ 601. Granting of general relief**

Any member or employee of the Department of Welfare who is authorized by the rules and regulations of the Department to do so may grant temporary general relief including medical and surgical treatment to any indigent person eligible for such relief under the rules and regulations of the Department. At a subsequent meeting the Board of Welfare may continue or discontinue such relief.

#### **§ 602. Financing of general relief**

(a) The cost of general relief shall be a charge against the counties of the State and apportioned according to the number of recipients from each county.

(b) The Department shall annually submit to the Levy Court of each county an estimate of the general relief chargeable against such county. The Levy Court of each county shall include the amount of the estimate in the taxes laid for that year, and the same shall be credited by the Treasurer of the county to the Department, subject to its order.

(c) The Department shall, at the close of each month, furnish the Treasurer of each county with a detailed, minute and accurate account of the general relief during the month chargeable to the county, the amount of which account shall be paid to the Department, which shall disburse the same in the payment of general relief as the same has been verified and ordered by the Department to be paid.

### § 603. State contributions

(a) The State shall monthly reimburse each county to the extent of one-half the amount expended by the county for general relief.

(b) Claim for such reimbursement shall be approved by the Department and presented monthly to the State Treasurer. Before payment of the claim is made it shall be duly verified by the State Auditor, who shall certify the correctness thereof to the State Treasurer. The State Treasurer shall thereupon pay the amount of such claim to the Treasurer of the County.

(c) The estimated amount of the State's portion shall be included in the annual appropriations made by the General Assembly.

(d) If, at any time, there would be a deficit in the funds required to be provided by the Levy Court of each county for general relief, chargeable to the county, such deficit shall be paid out of the State Treasury upon requisition of the Department and shall be deducted by the State Treasurer from the amount to be paid to the county in reimbursement of the amount expended by it, as provided in this section.

Section 2. This act shall be effective June 17, 1953.

Approved July 10, 1953.

## CHAPTER 352

### RELATING TO SCHOOL BUILDING PROGRAM ACT

#### **AN ACT TO AMEND CHAPTER 148, VOLUME 48, LAWS OF DELAWARE KNOWN AS THE SCHOOL BUILDING PROGRAM ACT OF 1951 BY REDEFINING "SCHOOL CONSTRUCTION" .**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Section 1 (a), Chapter 148, Volume 48, Laws of Delaware, is amended to read as follows:

(a) The term "School construction" means one or more of the following things: the acquisition, construction, reconstruction, alteration, remodeling, enlargement, equipment, including purchase of machinery necessary for the maintenance of grounds and buildings and of all educational supplies necessary for the initial operation of a school so built or altered or added to, and re-equipment of buildings and the acquisition and improvement of lands, for free public school purposes, in any school district.

Approved July 10, 1953.

## CHAPTER 353

RELATING TO ISSUING BONDS FOR GARBAGE DISPOSAL

**AN ACT TO AMEND CHAPTER 24, TITLE 9, DELAWARE  
CODE OF 1953, ENTITLED "GARBAGE DISPOSAL" BY  
CHANGING THE MAXIMUM RATE OF INTEREST ON  
THE BONDS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 2404, Title 9, Delaware Code of 1953, is amended by striking out the word "three" appearing in line seven thereof and substituting in lieu thereof the word "five".

Approved July 10, 1953.

## CHAPTER 354

## RELATING TO NEW CASTLE COUNTY AIRPORT

**AN ACT AMENDING CHAPTER 295, VOLUME 46, LAWS OF DELAWARE, ENTITLED "AN ACT TO AUTHORIZE THE LEVY COURT OF NEW CASTLE COUNTY TO BORROW A SUM NOT IN EXCESS OF ONE MILLION DOLLARS (\$1,000,000.00) AND TO ISSUE BONDS THEREFOR, THE SAID SUM TO BE EXPENDED FOR THE ACQUISITION OF LAND OR INTEREST THEREON FOR AIRPORT PURPOSES AND FOR CONSTRUCTION, MAINTENANCE AND OPERATION OF THE NEW CASTLE COUNTY AIRPORT" BY CHANGING THE MAXIMUM RATE OF INTEREST ON THE BONDS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 295, Volume 46, Laws of Delaware, is amended by striking the words and figure "three per centum (3%)" appearing in the ninth line of Section 1, and substituting in lieu thereof the following: "five per centum (5%)."

Approved July 10, 1953.

## CHAPTER 355

## RELATING TO NEW CASTLE COUNTY AIRPORT

**AN ACT TO AMEND CHAPTER 101, VOLUME 43, LAWS OF DELAWARE, RELATING TO THE AUTHORITY OF THE LEVY COURT OF NEW CASTLE COUNTY TO ISSUE BONDS FOR NEW CASTLE COUNTY AIRPORT BY CHANGING THE MAXIMUM RATE OF INTEREST AND EXTENDING THE MATURITY DATE OF THE BONDS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 3, Chapter 101, Volume 43, Laws of Delaware is amended by striking out the word "three" appearing in line ten and substituting in lieu thereof the word "five".

Section 2. § 4, Chapter 101, Volume 43, Laws of Delaware is amended by striking out the figures "1961" appearing in line four and substituting in lieu thereof the figures "1991".

Approved July 10, 1953.

## CHAPTER 356

### RELATING TO SUBURBAN COMMUNITIES IMPROVEMENTS

#### **AN ACT TO AMEND CHAPTER 5, TITLE 9, DELAWARE CODE OF 1953 ENTITLED "SUBURBAN COMMUNITIES IMPROVEMENTS" BY CHANGING THE MAXIMUM RATE OF INTEREST ON THE BONDS .**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 502 (b), Title 9, Delaware Code of 1953, is amended by striking out the word "three" appearing in line two and substituting in lieu thereof the word "five".

Section 2. § 552 (b), Title 9, Delaware Code of 1953, is amended by striking out the word "three" appearing in line two and substituting in lieu thereof the word "five".

Approved July 10, 1953.

## CHAPTER 357

RELATING TO SUBURBAN PARKS AND RECREATION .

**AN ACT TO AMEND CHAPTER 6, TITLE 9, DELAWARE CODE OF 1953, ENTITLED "SUBURBAN PARKS AND RECREATION" BY CHANGING THE MAXIMUM RATE OF INTEREST ON THE BONDS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 650 (a), Title 9, Delaware Code of 1953, is amended by striking out the word "three" appearing in the fourth line of said subsection and substituting in lieu thereof the word "five".

Approved July 10, 1953.



## CHAPTER 358

## APPROPRIATION

## KENT AND SUSSEX COUNTY FAIR, INCORPORATED

**AN ACT APPROPRIATING CERTAIN MONEYS TO KENT AND SUSSEX COUNTY FAIR, INCORPORATED, FOR PRIZES.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each House concurring therein):*

Section 1. The sum of Twelve Thousand Five Hundred Dollars (\$12,500.00) is appropriated out of the Treasury of the State of Delaware to the "Kent and Sussex County Fair, Incorporated," a corporation of the State of Delaware, for the fiscal year beginning July 1, 1953 and ending June 30, 1954, and a like sum of Twelve Thousand Five Hundred Dollars (\$12,500.00) for the fiscal year beginning July 1, 1954 and ending June 30, 1955. Said appropriation shall be used and expended only for prizes for meritorious achievements in agriculture, stock and poultry raising, and in works of manual training and the domestic arts. Such prizes shall be awarded by an Award Committee, which shall be appointed within ten days after this Act becomes effective, one member of which shall be named by the Governor from the personnel of the State Board of Agriculture, and the remaining members shall be named by the Kent and Sussex County Fair, Incorporated. Said corporation shall on or before the first day of December in each of said fiscal years, file with the State Auditor a sworn itemized statement showing the name of each person to whom a prize has been awarded, for what each prize was awarded and the amount of each prize, and showing also the grand total of said prizes, which statement shall be sworn to and signed before a Notary Public, by both the President and Treasurer of said corporation; when said statement shall have been audited by the State Auditor and found to be true and correct and according to law he shall direct the State Treasurer to pay to said corporation in each of said fiscal years the total sum shown to be due for prizes by said itemized list; provided, however, said sum shall not exceed Twelve Thou-

sand Five Hundred Dollars (\$12,500.00) for each of said years and should said sum be less than the amount appropriated by this Act, then the unused balance shall each year remain in and revert to the State Treasury and shall in no case be paid to said corporation.

Section 2. This Act is a Supplementary Appropriation Act.

Approved July 11, 1953.

## CHAPTER 359

## RELATING TO LICENSING OF BOATS FOR HIRE

**AN ACT TO AMEND TITLE 7, DELAWARE CODE OF 1953,  
ENTITLED "CONSERVATION" IN RESPECT TO CER-  
TAIN LICENSES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Subchapter II, Chapter 5, Title 7, Delaware Code of 1953, is amended by changing the title thereto to read as follows "LICENSING OF BOATS USED FOR HIRE."

Section 2. § 531 (a), Chapter 5, Title 7, Delaware Code of 1953 is amended to read as follows:

**§ 531. License requirement for those engaging in business of renting boats or those lending boats to the public; violations and penalties**

(a) No person shall engage in the business of renting boats or of conducting excursions with a boat in the Delaware River, Delaware Bay, and that part of the Atlantic Ocean under the jurisdiction of the State of Delaware, or in any bays, lakes, rivers, ponds or other inland waters of the State without first obtaining an annual license for each boat used from the State Tax Department. Those engaged in any kind of commercial enterprise who in connection therewith make boats available for their customers, whether or not a fee is charged for the use of such boats, shall also obtain such license.

Section 3. § 532, Chapter 5, Title 7, Delaware Code of 1953 is amended to read as follows:

**§ 532. License fees**

The following fees shall be paid for boats licensed under this subchapter—

(1) One Dollar for all boats propelled by oars, paddles or outboard motors.

(2) Two Dollars for each power boat not in excess of 18 feet.

(3) Eight Dollars for boats over 18 feet and not in excess of 35 feet in length.

(4) Ten Dollars for boats above 35 feet in length, or for boats of 15 tons and upwards gross tonnage.

Section 4. § 533, Chapter 5, Title 7, Delaware Code of 1953 is amended to read as follows:

**§ 533. License certificates and tags; issuance and carriage**

The Boat Inspector shall issue license certificates to power boats and license tags to boats operated by oars, paddles or out-board motors, which certificates or tags shall be placed on the boats for which such certificates or tags are applicable at all times when the boats are in operation.

Section 5. § 538, Chapter 5, Title 7, Delaware Code of 1953 is amended to read as follows:

**§ 538. Inspection of boats**

The Boat Inspector shall inspect all boats licensed under the provisions of this subchapter. The Boat Inspector shall also make periodic boat inspections during the season and shall carefully check the condition of all licensed boats.

Approved July 11, 1953.

## CHAPTER 360

## RELATING TO REGISTRATION OF VEHICLES

**AN ACT TO AMEND CHAPTER 21, TITLE 21, DELAWARE CODE OF 1953 RELATING TO REGISTRATION OF VEHICLES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2151, Chapter 21, Title 21, Delaware Code of 1953 is amended to effect the following changes:

In subsection (2), the figure "\$8" thereof shall read "\$10", and the figures "\$12" thereof shall read "\$16".

In subsection (3), the figures "\$1.50" thereof shall read "\$1.75", and the figure "\$2" shall read "\$2.30", and the figures "\$10" shall read "\$11.50".

In subsection (4), the figure "\$5" shall read "\$6.25"; the figures "\$.50" shall read "\$.60".

In subsection (5), the figures "\$10" shall read "\$12.50", and the figures "\$.50" shall read "\$.60".

In subsection (6), the figure "\$5" shall read "\$6.25", and the figures "\$.50" shall read "\$.60".

In subsection (7), the figure "\$2" shall read "\$2.50", and the figures "\$10" shall read "\$12.50".

Approved July 11, 1953.

**CHAPTER 361****RELATING TO DRIVER'S LICENSE****AN ACT TO AMEND CHAPTER 27, TITLE 21, DELAWARE  
CODE OF 1953 RELATING TO DRIVER'S LICENSE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2713, Chapter 27, Title 21, Delaware Code of 1953 is amended by substituting the figure "\$4" for the figures "\$2.50" as the same appear in the first line thereof.

Section 2. § 2714, Chapter 27, Title 21, Delaware Code of 1953 is amended by substituting the figures "\$10" for the figure "\$5" as the same appears in the first line thereof.

Approved July 11, 1953.

CHAPTER 362

RELATING TO INSURANCE COMMISSIONER

**AN ACT TO AMEND CHAPTER 3, TITLE 18, DELAWARE  
CODE OF 1953, RELATING TO INSURANCE COMMIS-  
SIONER; DEPUTY COMMISSIONER; APPOINTMENT,  
SALARY, OATH, DUTIES, TERM AND BOND.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 309, Chapter 3, Title 18, Delaware Code of 1953 is amended by striking out the figures "\$4,000" appearing in the second line thereof, and substituting in lieu thereof the figures "\$5,000."

Approved July 11, 1953.

CHAPTER 363  
APPROPRIATION  
CONTINGENCIES

**AN ACT MAKING APPROPRIATIONS FOR CERTAIN CONTINGENCIES, FOR THE RESPECTIVE YEARS OF THE BIENNIUM JULY 1, 1953 TO JUNE 30, 1955, AND PRESCRIBING LIMITATIONS UPON USE THEREOF AND THE POWERS AND DUTIES OF BUDGET COMMISSION IN RELATION THERETO.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members of each Branch thereof concurring therein):*

Section 1. The several amounts named in this act, or so much thereof as shall be necessary, are appropriated for the biennium ending June 30, 1955, to any Agency as Agency is defined in Title 29, Section 6301, Delaware Code of 1953.

Section 2. Such sums shall be disbursed pursuant to provisions of law, and only after determination by Budget Commission, and only for the purposes of paying expenses authorized to be incurred by any agency.

Section 3. A contingency shall be determined to exist only on declaration by the Governor to have been determined by him by and with the consent of the majority of the members of Budget Commission. Such determination may be made after claim and proof, satisfactory to said Commission, has been submitted, and such proof shall include any evidence and testimony as said Commission may require and in every case a statement setting forth all facts in support of a claim that a contingency exists, and supported by, in the case of a Board, Commission or Department, a certified copy of the minutes authorizing the claim and approving the facts set forth in support of the claim. In no case shall a determination be made when the total of contingencies of like kind will be in excess of the amount hereinafter specified for such contingency.



## APPROPRIATION

### CONTINGENCIES

Section 4. A contingency shall exist only when an expenditure, not otherwise authorized by the General Appropriation Act or any Supplementary Appropriation Act and for which funds have not otherwise been provided in the budget of any agency, has become necessary directly as result of an act of God, or for other cause beyond the control of said agency, or necessary to the general welfare, and only within the following designations:

(a) To replace any building or structure and/or equipment which may have been destroyed by fire, the replacement value of which is not fully covered by insurance, but in no case to exceed the difference between such replacement value and such insurance received as a result of such fire; to provide for repairs to buildings or equipment of an extraordinary nature; to repair or replace any boiler which shall have been damaged, destroyed or condemned, but in an amount not to exceed the actual cost of such repair or replacement, any department or agency of this State, may, upon submission of satisfactory proof of such emergency condition or condemnation, be authorized to expend all or any part of an amount not to exceed One Hundred and Fifteen Thousand Dollars (\$115,000.00), in each of the respective years of the biennium ending June 30, 1955.

(b) To provide funds for any unexpected increase in case load for Vocational Rehabilitation over and above those provided in the General Appropriation Act, which meet the requirements of the load as of May 1, 1953, the State Board for Vocational Education may expend all or any part of an amount not to exceed Thirteen Thousand Dollars (\$13,000.00) in each of the respective years of the biennium ending June 30, 1955.

(c) To provide additional funds for Vocational Education in accordance with the state plan for vocational education, meeting the requirements of the Smith-Hughes Vocational Education Act, passed by Congress, and approved February 23, 1917 (chapter 114, 39 Stat. 929), and amendments thereto, and of the Vocational Education Act of 1946, also known as the George-Barden Act, passed by Congress, and approved August 1, 1946

## APPROPRIATION

### CONTINGENCIES

(chapter 725, 60 Stat. 775) the State Board for Vocational Education may expend all or any part of an amount not to exceed Five Thousand Dollars (\$5,000.00) in each of the respective years of the biennium ending June 30, 1955.

(d) To provide for the payment of lost and/or outdated checks issued by any State Treasurer, the Auditor of Accounts may be authorized to expend for the redemption thereof all or any part of an amount not to exceed Fifteen Hundred Dollars (\$1500.00), in each of the respective years of the biennium ending June 30, 1955.

(e) To procure the services of certified public accountants, the same to be appointed by the Governor, to audit the accounts of any State Agency, the Governor shall submit the name or names of the certified public accountants so chosen or selected and thereupon the Budget Commission shall and it is hereby empowered and authorized to contract with certified public accountants so selected and to expend all or any part of an amount not to exceed Ten Thousand Dollars (\$10,000.00) in each of the respective years of the biennium ending June 30, 1955.

(f) To match any funds made available by the Federal Government for teacher training in agriculture, the Board of Trustees for Delaware State College may, upon submission of satisfactory proof of the availability of such Federal funds, be authorized to expend all or any part of an amount not to exceed Eight Hundred and Eighty-Eight Dollars (\$888.00), in each of the respective years of the biennium ending June 30, 1955.

(g) To provide for the control of any outbreak of contagious diseases of poultry and/or livestock, the State Board of Agriculture may be authorized to expend all or any part of an amount not to exceed Ten Thousand Dollars (\$10,000.00), in each of the respective years of the biennium ending June 30, 1955.

## APPROPRIATION

## CONTINGENCIES

(h) To provide for an abnormal number of claims upon the Department of Live Stock Sanitation, the State Board of Agriculture may expend all or any part of an amount not to exceed Twenty-Five Thousand Dollars (\$25,000.00), in each of the respective years of the biennium ending June 30, 1955.

(i) To match Federal funds for a Market News Letter, the State Board of Agriculture may be authorized to expend all or any part of an amount not to exceed One Thousand Dollars (\$1,000.00), in each of the respective years of the biennium ending June 30, 1955.

(j) Upon satisfactory proof of a contingency, not otherwise herein provided for, the Governor may be authorized to expend or transfer to any agency, all or any part of an amount not to exceed Seventy-Five Thousand Dollars (\$75,000.00), in each of the respective years of the biennium ending June 30, 1955.

(k) To provide for a deficiency in appropriations of any salary accounts, any State Agency, Department, Board or Commission may be authorized to expend all or any part of an amount not to exceed Seventy-Five Thousand Dollars (\$75,000.00), in each of the respective years of the biennium ending June 30, 1955.

(l) To provide for the replacement of accounting machines, the Auditor of Accounts may expend all or any part of an amount not to exceed Ten Thousand Dollars (\$10,000.00) during the biennium ending June 30, 1955.

(m) To provide for this State's share of Salaries and Wages, Aid to Dependent Children-Grants, Aid to Disabled-Grants, Old Age Assistance-Grants and Child Welfare Service-Direct Care over and above those provided for in the General Appropriation Act which meet the requirements of the case load as of May 1, 1953, the Department of Public Welfare may expend

# **APPROPRIATION**

## **CONTINGENCIES**

all or any part of an amount in each of the respective years of the biennium ending June 30, 1955, for the purposes and not exceeding the amounts appearing below as follows:

### **DEPARTMENT OF PUBLIC WELFARE**

		Each Year
Salaries and Wages .....	State's Share	\$ 30,000.00
Aid to Dependent Children-Grants	" "	10,000.00
Aid to Disabled-Grants .....	" "	15,000.00
Old Age Assistance-Grants .....	" "	20,000.00
Child Welfare Service Direct Care	" "	40,000.00
		<hr/>
		\$115,000.00

(n) To provide for payment of any increase in National dues, the Delaware Racing Commission may expend all or any part of an amount not to exceed Two Hundred Dollars (\$200.00), in each of the respective years of the biennium ending June 30, 1955.

(o) To provide for the payment of additional salaries, due to the opening of new buildings, the Delaware Commission for the Feeble Minded may expend all or any part of an amount not to exceed Forty-Five Thousand Dollars (\$45,000.00), in each of the respective years of the biennium ending June 30, 1955.

(p) To provide for the payment of prevention of beach erosion, along the Atlantic Ocean for a distance of one mile north measured northerly from the northern limits of the corporate limits of the City of Rehoboth, and from the southern limits of the corporate limits of the City of Rehoboth to Indian River, the State Park Commission may expend all or any part of an amount not to exceed Twenty-Five Hundred Dollars (\$2500.00), in each of the respective years of the biennium ending June 30, 1955.

# APPROPRIATION

## CONTINGENCIES

(q) To provide an appropriation for existing units for Capital Outlay in the amount of \$55,000.00 for the fiscal year July 1, 1953 to June 30, 1954 and a like sum of Fifty-Five Thousand Dollars (\$55,000.00) for the fiscal year July 1, 1954 to June 30, 1955 for the School Districts as set forth below in the respective amounts. The various schools may expend these amounts only upon submission of satisfactory proof of need and upon certification of the units herein provided, as follows:

## SPECIAL SCHOOL DISTRICTS

	Units	Year Ending June 30	
		1954	1955
Alexis I. Dupont .....	42	\$ 1,050.00	\$ 1,050.00
Caesar Rodney .....	50	1,250.00	1,250.00
Claymont .....	48	1,200.00	1,200.00
Dover .....	79	1,975.00	1,975.00
Georgetown .....	41	1,025.00	1,025.00
Harrington .....	33	825.00	825.00
Laurel .....	64	1,600.00	1,600.00
Lewes .....	37	925.00	925.00
Milford .....	68	1,700.00	1,700.00
Mt. Pleasant .....	95	2,375.00	2,375.00
Newark .....	93	2,325.00	2,325.00
New Castle .....	89	2,225.00	2,225.00
Rehoboth .....	16	400.00	400.00
Seaford .....	72	1,800.00	1,800.00
Smyrna .....	43	1,075.00	1,075.00
Total Special School Districts....		\$21,750.00	\$21,750.00

## STATE BOARD SCHOOL DISTRICTS

Arden No. 3 .....	3	75.00	75.00
Alfred I. DuPont No. 7 .....	43	1,075.00	1,075.00
Richardson Park No. 20 .....	41	1,025.00	1,025.00
Newport No. 21 .....	38	950.00	950.00
Hockessin No. 29 .....	4	100.00	100.00
Stanton No. 38 .....	9	225.00	225.00

## APPROPRIATION

## CONTINGENCIES

Christiana No. 44 .....	8	200.00	200.00
Rose Hill-Minquadale No. 47 ..	39	975.00	975.00
Delaware City No. 52 .....	15	375.00	375.00
Commodore MacDonough			
No. 53 .....	11	275.00	275.00
Middletown No. 60 .....	29	725.00	725.00
Marshallton No. 77 .....	33	825.00	825.00
Townsend No. 81 .....	10	250.00	250.00
Yorklyn No. 91 .....	4	100.00	100.00
Oak Grove No. 130 .....	39	975.00	975.00
H. C. Conrad No. 131 .....	39	975.00	975.00
Newport No. 106-C .....	12	300.00	300.00
Middletown No. 120-C .....	15	375.00	375.00
Millside No. 132-C .....	22	550.00	550.00
Frederica No. 32 .....	9	225.00	225.00
Magnolia No. 50 .....	4	100.00	100.00
Felton No. 54 .....	18	450.00	450.00
Hartly No. 96 .....	7	175.00	175.00
Clayton No. 119 .....	12	300.00	300.00
Houston No. 125 .....	5	125.00	125.00
William W. M. Henry No. 133-C	11	275.00	275.00
Lincoln No. 3 .....	5	125.00	125.00
Milton No. 8 .....	22	550.00	550.00
Millsboro No. 23 .....	25	625.00	625.00
Lord Baltimore No. 28 .....	20	500.00	500.00
Selbyville No. 32 .....	19	475.00	475.00
Gumboro No. 37 .....	4	100.00	100.00
Bridgeville No. 90 .....	26	650.00	650.00
Greenwood No. 91 .....	18	450.00	450.00
John M. Clayton No. 97 .....	21	525.00	525.00
Ellendale No. 125 .....	5	125.00	125.00
Delmar No. 163 .....	18	450.00	450.00
Blades No. 172 .....	4	100.00	100.00
W. C. Jason No. 192-C .....	16	400.00	400.00
Millsboro No. 204-C .....	6	150.00	150.00
Frankford No. 206-C .....	8	200.00	200.00
Selbyville No. 210-C .....	5	125.00	125.00

## APPROPRIATION

## CONTINGENCIES

Bridgeville No. 220-C .....	6	150.00	150.00
1, 2 & 3-Room Schools .....	83	2,075.00	2,075.00
		<hr/>	<hr/>
Total State Board Units .....		\$19,775.00	\$19,775.00
Wilmington Board of Education	539	13,475.00	13,475.00
		<hr/>	<hr/>
TOTAL—CAPITAL OUTLAY ..		\$55,000.00	\$55,000.00

(r) In the event that it shall be necessary to connect with the county sewer, the Woods Haven School For Girls may expend for such purpose all or any part of an amount not to exceed Three Thousand Dollars (\$3,000.00) during the biennium ending June 30, 1955.

(s) To provide for the payment of additional teachers, additional units, upgrading school personnel, additional health, clerical and custodial salaries in the event any school shall be come eligible under the State Board of Education rules and regulations in effect January 1, 1953, and capital outlay, over and above those provided for in the General Appropriation Act, the State Board of Education may expend and/or transfer to various school districts all or any part of an amount for the purposes and not exceeding the amounts appearing below as follows:

	Year Ending June 30	
	1954	1955
(1) Additional Teachers estimated 100		
at \$3,440 each 1st year	\$344,000.00	\$360,000.00
at \$3,600 each 2nd year		
(2) 100—Additional Units—all other		
costs at \$550.00 .....	55,000.00	55,000.00
(3) Upgrading School Personnel ....	25,000.00	50,000.00
(4) Additional Health, Clerical and		
Custodial Salaries .....	50,000.00	75,000.00
(5) Additional Capital Outlay—100		
units at \$50 .....	5,000.00	5,000.00
(6) Additional Teachers Estimated		
100 at \$3,440.00 .....	....	344,000.00

## APPROPRIATION

## CONTINGENCIES

(7) 100—Additional Units—All		
other costs at \$550.00 .....	....	55,000.00
(8) Additional Capital Outlay 100		
Units at \$50 .....	....	5,000.00
	<hr/>	<hr/>
	\$479,000.00	\$949,000.00

(t) To provide for the payment of expenses of additional hearings only, over and above those provided for in the General Appropriation Act, the Public Service Commission may expend all or any part of an amount not to exceed Forty Thousand Dollars (\$40,000.00) in each of the respective years of the biennium ending June 30, 1955; provided, however, no part of these amounts shall be used for salaries and wages.

(u) To provide funds for the general administration and operation of the State's participation in the Federal Social Security program and associated State programs, the State Treasurer is authorized to expend all or any part of an amount not to exceed Eighty-Five Hundred Dollars (\$8500.00) in each of the respective years of the biennium ending June 30, 1955.

(v) To provide funds for such administrative expense that may be necessarily incurred in excess of appropriations already made in the General Appropriation Act for participation in the Federal Social Security program, the State Tax Department is authorized to expend all or any part of an amount not to exceed Thirty-Five Hundred Dollars (\$3500.00) in each of the respective years of the biennium ending June 30, 1955.

(w) To provide for deficiency in appropriation for the payment of benefits under the Delaware State Employees' Pension Act, the State Treasurer may expend all or any part of an amount not to exceed Seventy-Five Thousand Dollars (\$75,000.00) for the fiscal year ending June 30, 1954, and One Hundred and Twenty-Five Thousand Dollars (\$125,000.00) for the fiscal year ending June 30, 1955.



## APPROPRIATION

### CONTINGENCIES

(x) In the event the Federal participation in the Crippled Children Program of the State of Delaware, supervised by the State Board of Health, is reduced from the 1952-53 ratio, the State Board of Health may expend if necessary all or any part of an amount not to exceed Twenty Thousand Dollars (\$20,000.00) for the fiscal year ending June 30, 1954, and Twenty-Two Thousand Dollars (\$22,000.00) for the fiscal year ending June 30, 1955.

(y) To provide for deficiency in appropriation for the State Board of Education for the purpose of supplying educational services to handicapped children in proper schools and proper educational institutions in addition to such educational services otherwise provided for in other appropriations, the State Board of Education may expend or allocate all or part of an amount not to exceed Fifty Thousand Dollars (\$50,000.00) during each year of the biennium ending June 30, 1955.

(z) To provide for the payment of special audit or audits made necessary as a result of unforeseen circumstances in connection with legal proceedings, trials or hearings, and for transcripts, requisition, travel expenses and additional equipment incidental thereto, the Attorney General may, upon submission of satisfactory proof of emergency, be authorized to expend all or any part of an amount not to exceed Ten Thousand Dollars (\$10,000.00) in each of the respective years of the biennium July 1, 1953 to June 30, 1955.

Section 5. The Auditor of Accounts shall keep actual detailed accounts of the transfers approved in the manner hereinbefore provided by Budget Commission. Budget Commission shall submit to the next General Assembly a full and detailed statement of the nature of the contingencies for which transfers are authorized, the cause thereof, and a copy of the account maintained therefor by the said Auditor of Accounts.

Section 6. The Governor, Secretary of State, and State Treasurer shall constitute a commission to negotiate and ar-

## APPROPRIATION

### CONTINGENCIES

range for the sale or disposition of any notes or certificates of indebtedness to provide for the payment of any appropriations herein contained in the same manner and form as is provided in any budget appropriation bill authorized by this session of the General Assembly and approved by the Governor.

Section 7. This Act shall be known as a Supplementary Appropriation Act and the sums hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated in accordance with the items and conditions of this Act.

Section 8. All Acts or parts of Acts inconsistent with this Act are hereby repealed to the extent of such inconsistency only.

Approved July 11, 1953.

CHAPTER 364

APPROPRIATION

STATE DEVELOPMENT DEPARTMENT

**AN ACT TO APPROPRIATE FUNDS TO THE STATE DEVELOPMENT DEPARTMENT IN ORDER TO PLACE THE CHIEF OF THE INDUSTRIAL DIVISION UPON A FULL TIME BASIS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is appropriated to the State Development Department the sum of \$2,000 for the fiscal year beginning July 1, 1953 and the further sum of \$2,000 for the fiscal year beginning July 1, 1954 in order that the said Department may employ the Chief of the Industrial Division upon a full time basis.

Section 2. This act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved July 11, 1953.

## CHAPTER 365

## APPROPRIATION

## SOIL CONSERVATION COMMISSION

**AN ACT TO AMEND AN ACT ENTITLED "AN ACT MAKING AN APPROPRIATION TO THE STATE SOIL CONSERVATION COMMISSION FOR THE PURCHASE OF HEAVY EARTH-MOVING MACHINERY AND OTHER EQUIPMENT NEEDED IN THE SOIL CONSERVATION WORK OF THE STATE, MAKING PROVISION FOR THE RE-PAYMENT THEREOF, AND DESIGNATING THE BOARDS OF SOIL DISTRICT SUPERVISORS TO OVERSEE THE USE OF SAID EQUIPMENT AND MACHINERY", BY PROVIDING THAT THE FUNDS THEREIN APPROPRIATED MAY BE PAID OUT OF THE GENERAL FUND.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. "AN ACT MAKING AN APPROPRIATION TO THE STATE SOIL CONSERVATION COMMISSION FOR THE PURCHASE OF HEAVY EARTH-MOVING MACHINERY AND OTHER EQUIPMENT NEEDED IN THE SOIL CONSERVATION WORK OF THE STATE, MAKING PROVISION FOR THE RE-PAYMENT THEREOF, AND DESIGNATING THE BOARDS OF SOIL DISTRICT SUPERVISORS TO OVERSEE THE USE OF SAID EQUIPMENT AND MACHINERY.", approved by the 117th General Assembly and signed by the Governor as Senate Bill No. 115, is amended by striking out all of Section 9 and substituting the following in lieu thereof:

Section 9. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated unless an omnibus bond bill, including the above appropriation, is enacted into law by the 117th General Assembly of the State of Delaware in which event the above appropriation shall be paid out of moneys received by the sale of bonds authorized under said Act.

Approved July 11, 1953.

## CHAPTER 366

## RELATING TO INSPECTION OF DRESSED POULTRY

**AN ACT TO AMEND TITLE 3, DELAWARE CODE OF 1953 ENTITLED "AGRICULTURE" TO MAKE POSSIBLE THE INSPECTION OF DRESSED POULTRY BY PROVIDING THAT THE FEES CHARGED FOR SUCH INSPECTION MAY BE USED TO DEFER THE EXPENSES OF THE INSPECTION AND TO APPROPRIATE FUNDS WHICH WILL BE RETURNED TO THE GENERAL FUND .**

WHEREAS, the poultry industry of the State of Delaware is hampered by a lack of dressed poultry inspection, AND

WHEREAS, the Bureau of Markets as established within the State Board of Agriculture has the authority to make such inspection if requested to do so, AND

WHEREAS, several such requests have been received, AND

WHEREAS, it is impossible to determine in advance the volume of inspection which will be necessary or desirable to protect the poultry industry in Delaware during the coming biennium, NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 303 (b), Title 3, Delaware Code of 1953 is amended to read as follows:

(b) The fees collected by the Bureau for its inspection service except those fees collected for the inspection of dressed poultry shall be paid into the General Fund of the State of Delaware.

Section 2. § 303, Title 3, Delaware Code of 1953 is amended by adding thereto a new subsection to read as follows:

(c) The fees collected by the Bureau for dressed poultry inspection shall cover all costs of such inspection and shall be

paid into the State Treasury and credited to the State Board of Agriculture Dressed Poultry Inspection Fund. All expenditures for dressed poultry inspection shall be made from said fund.

Section 3. § 304, Title 3, Delaware Code of 1953 is amended to read as follows:

**§ 304. Expenses**

Except as otherwise provided all expenses incurred by the Bureau in the performance of its duties and powers shall be paid from funds appropriated for use of the State Board of Agriculture.

Section 4. There is appropriated to the State Board of Agriculture the sum of \$5,000 or so much thereof as may be necessary to defer the expenses of inspections made under the provisions of this act. Any such funds not used by December 31, 1954 shall revert to the General Fund, and all funds herein appropriated shall be returned to the General Fund on or before December 31, 1954; such return to be made from the State Board of Agriculture Dressed Poultry Inspection Fund.

Section 5. This act is a supplementary appropriation and the money appropriated shall be paid by the State Treasurer out of the General Fund of the State of Delaware.

Approved July 11, 1953.

## CHAPTER 367

## RELATING TO BUREAU OF MARKETS

**AN ACT AMENDING CHAPTER 3, TITLE 3, DELAWARE CODE OF 1953, RELATING TO THE POWERS OF THE BUREAU OF MARKETS AND PROVIDING FOR THE BUREAU OF MARKETS' INSPECTION FUND; APPROPRIATION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 303 (b), Title 3, Delaware Code of 1953, is amended by striking out the period at the end of said subsection and substituting in lieu thereof the following: "and the State Treasurer shall deposit the same to the credit of a special fund entitled 'Bureau of Markets' Inspection Fund', from which necessary expenses of the Bureau for fruit, vegetable, poultry and grain inspections shall be paid, upon proper vouchers signed by the president or chairman and secretary of the State Board of Agriculture. The Bureau of Markets' Inspection Fund shall be a revolving fund and no funds deposited therein shall revert to the General Fund of the State Treasury, except for funds appropriated by the 117th General Assembly to begin said fund, which funds shall be paid back to the State Treasurer out of said Bureau of Markets' Inspection Fund on or before June 30, 1955. The Bureau shall annually, on or before January 31st, make a report to the Governor of all income and expenditures made from said fund. A copy of said reports shall be given bi-annually, on or before January 31st, to the members of the General Assembly."

Section 2. § 304, Title 3, Delaware Code of 1953, is amended by inserting after the word "power" appearing in the second line of said section the following: , " except as provided by § 303 (b) of this title,".

Section 3. There is appropriated the sum of Ten Thousand Dollars (\$10,000.00) to the Bureau of Markets' Inspection Fund authorized by Section 1 of this act, and the State Treasurer is

directed to immediately create such a special fund and deposit the moneys hereby appropriated to said fund.

Section 4. This is a Supplementary Appropriation Act and the moneys hereby appropriated shall be paid out of the General Fund of the State Treasury, not otherwise appropriated.

Approved July 11, 1953.



CHAPTER 368

AUTHORIZING KENT COUNTY LEVY COURT TO PROCURE SEAL  
AN ACT AUTHORIZING THE LEVY COURT OF KENT  
COUNTY TO PROCURE A SEAL.

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. The Levy Court of Kent County is authorized to procure a press and seal to be made of steel or brass and of such size and engraved with such device or devices as shall be determined by the Levy Court of Kent County; and when completed, the said seal shall be taken, adjudged and deemed to be the seal of the Levy Court of Kent County.

Approved July 11, 1953.

## CHAPTER 369

## AUTHORIZING ISSUANCE OF BONDS

**AN ACT AUTHORIZING THE STATE OF DELAWARE TO  
BORROW A CERTAIN SUM OF MONEY FOR SUNDRY  
CAPITAL IMPROVEMENTS AND EXPENDITURES IN  
THE NATURE OF CAPITAL INVESTMENTS AND TO  
ISSUE BONDS AND NOTES THEREFOR .**

WHEREAS, several agencies of the State of Delaware must expend large sums of money for the erection and construction of new buildings, for repairs and alterations to existing buildings, and for the equipment and furnishing of new and existing buildings, as well as for the purchase of machinery, and for other purposes; and

WHEREAS, said expenditures will be in the nature of capital improvements or investments; and

WHEREAS, a single issue of State bonds may be administered more efficiently and conveniently than several separate and smaller bond issues; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each Branch concurring therein):*

Section 1. The Governor, the State Treasurer and the Secretary of State of the State of Delaware, hereinafter sometimes referred to as the Issuing Officers, are hereby authorized, and fully empowered to borrow upon the faith and credit of the State of Delaware a sum of money not in excess of Four Million Four Hundred and Eighty Thousand Dollars (\$4,480,000) in order to provide any or all of the funds in the amounts specified for the following purposes, or so much as shall be appropriated by the 117th General Assembly of the State of Delaware for such purposes:

- (a) To be expended by the Board of Trustees of the University of Delaware for completing the Agriculture Building; delayed maintenance,

- fire prevention and safety changes in various buildings; purchase of deferred laboratory and classroom furnishings and academic equipment needs ..... \$ 950,000
- (b) To be expended by the Delaware Commission for the Feeble-Minded for the erection and equipment of a new hospital building to accommodate at least 50 hospital beds and to renovate the present infirmary at the Delaware Colony for the Feeble-Minded at Stockley ..... 450,000
- (c) To be expended by the State Board of Welfare for the construction and equipment of a Department of Public Welfare Building on the property acquired by the said Board at 905-907 West Street, Wilmington and for incidental expenses connected with such building including the demolition of the building presently located on the site ..... 235,000
- (d) To be expended by the State Board of Trustees of the Delaware State Hospital at Farnhurst to be used for the construction of a re-education building to accommodate at least 100 female patients and for architects and engineers fees, equipment and furniture connected with the same ..... 525,000
- (e) To be expended by the State Board of Trustees of the Delaware State Hospital at Farnhurst to be used for capital improvements to the sewerage, electric and water facilities at the State Hospital ..... 111,000
- (f) To be expended by the State Board of Trustees of the Delaware State Hospital at Farnhurst to be used for the remodeling and equipping of the main building at the State Hospital ..... 134,000

(g) To be expended by the State Board of Trustees of the Delaware State Hospital at Farnhurst for repairs, replacements and equipment at the Governor Bacon Health Center..	147,000
(h) To be expended by the Board of Trustees of the State Welfare Home and Hospital for the Chronically Ill at Smyrna for the construction of a new building to accommodate approximately 100 persons at the State Welfare Home and Hospital for the Chronically Ill at Smyrna and for architects and engineers fees and such incidental expenses as are necessary including the construction of walks and roads to the new building .....	500,000
(i) To be expended by the State Board of Education or allotted to school districts for maintenance and improvement of school buildings of the State .....	1,318,000
(j) To be expended by the State Detention Home for Juveniles Building Commission for constructing and equipping a State detention home for juveniles or for the purchasing, remodeling and equipping of an existing building for such purposes .....	85,000
(k) To be expended by the Public Archives Commission of the State of Delaware for restoring and furnishing the John Dickinson Mansion near Dover .....	25,000
	<hr/> \$4,480,000

The said Issuing Officers are hereby authorized and fully empowered to sell, execute and deliver bonds in conformity with the provisions of this Act to an amount not to exceed the sum of Four Million Four Hundred and Eighty Thousand Dollars (\$4,480,000), but nothing herein contained shall require the issuance of said bonds if in the judgment of the Issuing Officers

such funds or a portion of such funds so appropriated should be taken from the General Fund. The said bonds shall be issued in such series and amounts as the Issuing Officers shall determine.

Section 2. In anticipation of the issuance of bonds, the Issuing Officers may issue and sell notes of the State of Delaware at either public or private sale for not less than par and accrued interest. Said notes shall bear interest at a rate not exceeding 3 per cent per annum. They may be renewed from time to time by the issuance and sale of new notes, but all such notes shall mature and be paid not later than June 30, 1955. The total amount of said notes outstanding at any one time, together with the total amount of said bonds theretofore issued, shall not exceed Four Million Four Hundred and Eighty Thousand Dollars (\$4,480,000).

Said notes may be redeemed at par and accrued interest prior to their maturity, if the right of the State to do so shall have been reserved by an express provision in the notes. The principal of said notes shall be paid out of the proceeds of the sale of said bonds or notes.

Section 3. The bonds and notes issued in accordance with the provisions of this Act shall be direct general obligations of the State, and the public faith and credit of the State of Delaware are hereby expressly pledged for the full and complete payment of the debt, principal and interest by this Act authorized, of the bonds and notes hereby authorized to be issued and the coupons thereto attached, and the said bonds and notes shall be exempt from taxation by the State or any political subdivisions thereof for any purpose.

Section 4. The said bonds and notes shall recite that they are issued for the purposes set forth in Section 1 of this Act, that they are issued in pursuance of this Act and the Constitution of this State, and upon the sale and delivery of any such bond or note, such recitals shall be conclusive upon the State of Delaware and all and every other person whatsoever of the right, power and authority for the issuance of said bonds or notes and the legality and validity of such bonds or notes and of the

principal debt and interest represented thereby, and the legality and validity of such bonds or notes thereafter shall never be questioned in any court of law or equity by the State of Delaware or any person or persons for its use or in its behalf, and this provision shall be and become part of the contract and obligation represented by any such bonds or notes.

Section 5. The bonds issued under the authority of this Act shall be in denominations of One Thousand Dollars (\$1,000), or multiple thereof, as shall be decided by the Issuing Officers, or the majority of them, with coupons thereto attached for each half year's interest thereon. The said bonds shall be numbered consecutively, and shall bear such dates as the Issuing Officers shall fix and shall bear interest at such rate as shall be determined by the bid accepted by the Issuing Officers, which interest shall be payable semi-annually in each year that such bonds remain unpaid, at the Farmers' Bank of the State of Delaware, at Dover, upon presentation of a coupon representing such semi-annual interest.

Said bonds shall be in such form and may contain such other and further recital and be subject to such terms and conditions, with such privileges as to registration, conversion, reconversion, redemption and exchange, and may contain such other provisions as may be determined by said Issuing Officers.

The said bonds shall mature as the Issuing Officers may determine; provided, however, that the principal amount of said bonds, or any series thereof, shall be made to mature fully within twenty (20) years from the date of issue thereof.

The said bonds shall be executed on behalf of the State of Delaware by the Governor, the Secretary of State and the State Treasurer and shall have the impression of the Great Seal of the State thereon. The signatures of the Governor and the Secretary of State may be engraved or printed on such bonds, but the signature of the State Treasurer shall be in his own proper handwriting.

Attached interest coupons shall bear the signature of the State Treasurer which may be engraved, printed or written

on such coupons. The coupons attached to each bond shall bear the same number as the bond to which they are attached.

The said bonds, with the coupons attached, may be issued notwithstanding that any of the officers executing them in the manner herein provided shall have ceased to hold office at the time of such issue or at the time of the delivery of the said bonds.

Section 6. For the purpose of designation and identification any bond issued under the authority of this Act shall be known and styled "Capital Improvement Bond of 1953".

Section 7. The said bonds, as well as the interest coupons thereto attached, shall be issued in such form or forms as the Issuing Officers may adopt.

It shall be the duty of the State Treasurer to provide a record of the proper size and form to be retained in his office, in which he shall keep a record of all bonds which shall be paid and redeemed according to the number thereof, and in addition thereto he shall cause any such bond to be cancelled by making lines with red ink through the signatures of the Governor, Secretary of State and State Treasurer, and also by writing across the face thereof in red ink the following:

This bond paid and redeemed this.....  
day of....., A. D. 19.....

.....  
State Treasurer

As the said coupons are paid, it shall be the duty of the State Treasurer to mark the same in red ink across the face "Paid". All bonds paid and redeemed, as well as all coupons paid and cancelled as aforesaid, shall be safely kept by the State Treasurer so long as any bond authorized by this Act is unpaid and not redeemed.

Section 8. Whenever the bonds authorized by this Act may be issued in conformity with the provisions of this Act, the Issuing Officers are hereby directed to advertise that they

will receive bids at such place or places that may be named in said advertisement for such bonds under such regulations as may be made in the discretion of the Issuing Officers. Sufficient notice of sale of said bonds shall be deemed to have been given if said notice shall have been published at least once ten or more days before the date of sale in at least one newspaper published in the State of Delaware and in a financial journal published in the City of New York, and no other publication of such notice of sale shall be necessary; and said bonds may be sold upon such terms and conditions as may be set forth in such notice of sale, provided that the purchase price shall be not less than par and accrued interest. If any of said bonds so offered for sale are not bid for, or if any insufficient price be bid for them, they may be subsequently disposed of under the direction of the Issuing Officers at private sale upon the best terms they can obtain for the same, provided that they shall not be sold at private sale for less than par and accrued interest.

Section 9. All moneys received from the sale of said bonds or notes shall be deposited by the State Treasurer in the Farmers Bank of the State of Delaware at Dover, and shall be used exclusively in accordance with the provisions of this Act and for the purpose of paying the principal of notes issued under this Act.

Section 10. There is appropriated from the General Fund such sums as may be necessary for the expenses incident to the issuance of the bonds and notes herein authorized, and such further sums as may be necessary to pay any interest which may become due on such bonds and notes during the biennium ending June 30, 1955, and such further sums as may be necessary for the repayment of the principal of any of the said bonds which become due during the biennium ending June 30, 1955. Vouchers for the payment of the expenses incident to the issuance of bonds and notes and for interest and repayment of said notes shall be signed by the Secretary of State by and with the approval of the Issuing Officers. Any moneys received from the premium and accrued interest on the sale of said bonds shall be deposited to the credit of the General Fund.



Section 11. The Budget Appropriation Bill which shall be enacted and approved by the General Assembly at the 118th Session and each and every subsequent biennial Session thereof, shall contain under the Debt Service Item provisions for the payment of interest and principal maturities of said bonds issued under the authority of this Act, and such of the revenues of the State of Delaware as are not prohibited by constitutional provision or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellation of said bonds and payment of interest thereon.

Approved July 11, 1953.

## CHAPTER 370

AUTHORIZING BORROWING OF MONEY FOR HIGHWAY  
IMPROVEMENT

**AN ACT TO AUTHORIZE THE STATE OF DELAWARE TO BORROW A CERTAIN SUM OF MONEY TO PROVIDE FOR HIGHWAY IMPROVEMENT BY ACQUIRING LANDS AND RIGHTS-OF-WAYS, CONSTRUCTING AND RECONSTRUCTING ROADS, HIGHWAYS, BRIDGES, AND IMPROVEMENTS INCIDENTAL THERETO AND TO ISSUE BONDS AND NOTES THEREFOR.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each House thereof concurring therein):*

Section 1. The Governor, Secretary of State and State Treasurer of the State of Delaware, herein sometimes referred to as the Issuing Officers, are hereby authorized, fully empowered and directed to borrow upon the faith and credit of the State of Delaware a sum of money not in excess of Twelve Millions Dollars (\$12,000,000.00), which shall be used for the purpose of construction and reconstruction of roads, highways, and bridges and for the acquisition of land, rights-of-way, and the surveying, grading, and landscaping thereof, and for the costs of labor, material, equipment, supplies, and for buildings, dams, locks, sewers, watermains and underpasses incidental and necessary to the foregoing; and the said Issuing Officers are hereby authorized, fully empowered and directed to sell, execute and deliver bonds in conformity with the provisions of this Act to an amount not to exceed the said sum of Twelve Million Dollars (\$12,000,000.00). The said bonds may be issued all at one time, or from time to time, in such series and amounts as the Issuing Officers shall determine to be required, subject to the provisions contained in this Act. Said sum of money may be borrowed and said bonds may be issued in addition to any sums authorized to be borrowed or bonds authorized to be issued for the purposes hereinbefore described by any other law now in effect.

Section 2. In anticipation of the issuance of bonds, the Issuing Officers may issue and sell notes of the State of Delaware at either public or private sale for not less than par and accrued interest. Said notes shall bear interest at a rate not exceeding 3 per cent per annum. They may be renewed from time to time by the issuance and sale of new notes, but all such notes shall mature and be paid not later than June 30, 1955. The total amount of said notes outstanding at any one time, together with the total amount of said bonds theretofore issued, shall not exceed Twelve Million Dollars (\$12,000,000.00).

Said notes may be redeemed at par and accrued interest prior to their maturity, if the right of the State to do so shall have been reserved by an express provision in the notes. The principal of said notes shall be paid out of the proceeds of the sale of said bonds or notes.

Section 3. The bonds and notes issued in accordance with the provisions of this Act shall be direct general obligations of the State, and the public faith and credit of the State of Delaware are hereby expressly pledged for the full and complete payment of the debt, principal and interest by this Act authorized, of the bonds and notes hereby authorized to be issued and the coupons thereto attached, and the said bonds and notes shall be exempt from taxation by the State or any political subdivisions thereof for any purpose.

Section 4. The said bonds and notes shall recite that they are issued for the purposes set forth in Section 1 of this Act, that they are issued in pursuance of this Act and the Constitution of this State, and upon the sale and delivery of any such bond or note, such recitals shall be conclusive upon the State of Delaware and all and every other person whatsoever of the right, power and authority for the issuance of said bonds or notes and the legality and validity of such bonds or notes and of the principal debt and interest represented thereby, and the legality and validity of such bonds or notes thereafter shall never be questioned in any court of law or equity by the State of Delaware or any person or persons for its use or in its behalf, and this provision shall be and become part of the contract and obligation represented by any such bonds or notes.

Section 5. The bonds issued under the authority of this Act shall be in denominations of One Thousand Dollars (\$1,000.00), or multiple thereof, as shall be decided by the Issuing Officers, or the majority of them, with coupons thereto attached for each half year's interest thereon. The said bonds shall be numbered consecutively, and shall bear such dates as the Issuing Officers shall fix and shall bear interest at such rate as shall be determined by the bid accepted by the Issuing Officers, which interest shall be payable semi-annually in each year that such bonds remain unpaid, at the Farmers' Bank of the State of Delaware, at Dover, upon presentation of a coupon representing such semi-annual interest.

Said bonds shall be in such form and may contain such other and further recital and be subject to such terms and conditions, with such privileges as to registration, conversion, reconversion, redemption and exchange, and may contain such other provisions as may be determined by said Issuing Officers.

The said bonds shall mature as the Issuing Officers may determine; provided, however, that the principal amount of said bonds, or any series thereof, shall be made to mature fully within twenty (20) years from the date of issue thereof.

The said bonds shall be executed on behalf of the State of Delaware by the Governor, the Secretary of State and the State Treasurer and shall have the impression of the Great Seal of the State thereon. The signatures of the Governor and the Secretary of State may be engraved or printed on such bonds, but the signature of the State Treasurer shall be in his own proper handwriting.

Attached interest coupons shall bear the signature of the State Treasurer which may be engraved, printed or written on such coupons. The coupons attached to each bond shall bear the same number as the bond to which they are attached.

The said bonds, with the coupons attached, may be issued notwithstanding that any of the officers executing them in the manner herein provided shall have ceased to hold office at the time of such issue or at the time of the delivery of the said bonds.

Section 6. For the purpose of designation and identification any bond issued under the authority of this Act shall be known and styled "State Highway Improvement Bond of 1953".

Section 7. The said bonds, as well as the interest coupons thereto attached, shall be issued in such form or forms as the Issuing Officers may adopt.

It shall be the duty of the State Treasurer to provide a record of the proper size and form to be retained in his office, in which he shall keep a record of all bonds which shall be paid and redeemed according to the number thereof, and in addition thereto he shall cause any such bond to be cancelled by making lines with red ink through the signatures of the Governor, Secretary of State and State Treasurer, and also by writing across the face thereof in red ink the following:

This bond paid and redeemed this.....  
day of ....., A. D. 19.....

.....  
State Treasurer

As the said coupons are paid, it shall be the duty of the State Treasurer to mark the same in red ink across the face "Paid". All bonds paid and redeemed, as well as all coupons paid and cancelled as aforesaid, shall be safely kept by the State Treasurer so long as any bond authorized by this Act is unpaid and not redeemed.

Section 8. Whenever the bonds authorized by this Act may be issued in conformity with the provisions of this Act, the Issuing Officers are hereby directed to advertise that they will receive bids at such place or places that may be named in said advertisement for such bonds under such regulations as may be made in the discretion of the Issuing Officers. Sufficient notice of sale of said bonds shall be deemed to have been given if said notice shall have been published at least once ten or more days before the date of sale in at least one newspaper published in the State of Delaware and in a financial journal published in the City of New York, and no other publication of such notice of sale shall be necessary; and said bonds may be sold upon such terms and conditions as may be set forth in such notice

of sale, provided that the purchase price shall be not less than par and accrued interest. If any of said bonds so offered for sale are not bid for, or if any insufficient price be bid for them, they may be subsequently disposed of under the direction of the Issuing Officers at private sale upon the best terms they can obtain for the same, provided that they shall not be sold at private sale for less than par and accrued interest.

Section 9. All moneys received from the sale of said bonds or notes shall be deposited by the State Treasurer in the Farmers Bank of the State of Delaware at Dover, and shall be used exclusively in accordance with the provisions of this Act and for the purpose of paying the principal of notes issued under this Act.

Section 10. There is appropriated from the General Fund such sums as may be necessary for the expenses incident to the issuance of the bonds and notes herein authorized, and such further sums as may be necessary to pay any interest which may become due on such bonds and notes during the biennium ending June 30, 1955, and such further sums as may be necessary for the repayment of the principal of any of the said bonds which become due during the biennium ending June 30, 1955. Vouchers for the payment of the expenses incident to the issuance of bonds and notes and for interest and repayment of said notes shall be signed by the Secretary of State by and with the approval of the Issuing Officers. Any moneys received from the premium and accrued interest on the sale of said bonds shall be deposited to the credit of the General Fund.

Section 11. The Budget Appropriation Bill which shall be enacted and approved by the General Assembly at the 118th Session and each and every subsequent biennial Session thereof, shall contain under the Debt Service Item provisions for the payment of interest and principal maturities of said bonds issued under the authority of this Act, and such of the revenues of the State of Delaware as are not prohibited by constitutional provision or committed by preceding statutes for other purposes are hereby pledged for the redemption and cancellation of said bonds and payment of interest thereon.

Approved July 11, 1953.

## CHAPTER 371

RELATING TO NEW CASTLE COUNTY DEPARTMENT OF ELECTIONS

**AN ACT TO AMEND TITLE 15, DELAWARE CODE OF 1953 ENTITLED "ELECTIONS" BY PROVIDING THAT THE DEPARTMENT OF ELECTIONS FOR NEW CASTLE COUNTY SHALL CONSIST OF TWELVE MEMBERS AND THAT EACH OF THE TWO PRINCIPAL POLITICAL PARTIES SHALL BE REPRESENTED BY AT LEAST FIVE MEMBERS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 103, Title 15, Delaware Code of 1953 is amended to read as follows:

**§ 103. Department of Elections for New Castle County; composition; appointment; terms; qualifications**

(a) The Department of Elections for New Castle County shall consist of 12 members who shall be appointed by the Governor for terms of 6 years each. Appointments for a full term of 6 years shall be made as follows: three members shall be appointed during the last 10 days in June in 1953 and in every sixth year thereafter for terms to begin on the first day of July in the year of appointment; five members shall be appointed during the last 10 days in March in 1953 and in every sixth year thereafter for terms to begin on the 1st day of April in the year of appointment; two members shall be appointed during the first 10 days in August in 1953 and in every sixth year thereafter for terms to begin on the 10th day of August in the year of appointment; one member shall be appointed during the last 10 days in March in 1955 and in every sixth year thereafter for a term to begin on the 1st day of April in the year of appointment; and one member shall be appointed during the first 10 days in August in 1955 and in every sixth year thereafter for a term to begin on the 10th day of August in the year of appointment.

(b) Six members of the Department of Elections shall be residents of the City of Wilmington and six members shall be residents of New Castle County outside the City of Wilmington.

(c) Each of the two principal political parties shall at all times be represented by at least five members of the Department.

Approved July 11, 1953.



## CHAPTER 372

## APPROPRIATION

## CERTAIN FIRE COMPANIES

**AN ACT APPROPRIATING MONEY TO CERTAIN FIRE COMPANIES IN THE STATE OF DELAWARE WHICH MAINTAIN AND OPERATE A RESCUE TRUCK.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all the Members elected to each House thereof concurring therein):*

Section 1. That each and every Fire Company in the State of Delaware outside the limits of the City of Wilmington, which does on the first day of June, A. D., 1953, maintain and operate and does continue to maintain and operate a rescue truck for the purpose of public service, there is hereby appropriated the sum of Five Hundred Dollars (\$500.00) annually for each fiscal year beginning July 1, 1953, and beginning July 1, 1954, to be used for the maintenance and operation of said rescue truck in the public service.

Section 2. The said sum of Five Hundred Dollars (\$500.00) shall be paid by the State Treasurer to each of the said Fire Companies maintaining and operating a rescue truck in the public service within three months after the beginning of each of said fiscal years, and a certificate of the Secretary of the Delaware Volunteer Firemen's Association to the effect that the Fire Company did on the first day of June, A. D., 1953, and does continue to maintain and operate a rescue truck in the public service shall be sufficient authority for the payment of said sum of Five Hundred Dollars (\$500.00) by the State Treasurer to said Fire Company.

Section 3. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasurer not otherwise appropriated.

Approved July 15, 1953.

## CHAPTER 373

## APPROPRIATION

## FOR OBSERVANCE OF MEMORIAL DAY

**AN ACT APPROPRIATING MONEY FOR THE OBSERVANCE  
OF MEMORIAL DAY IN HONOR OF THE DECEASED  
MEMBERS OF THE GRAND ARMY OF THE REPUBLIC.**

WHEREAS, it has been the custom at each Regular Session of the General Assembly to appropriate funds to the G. A. R., Department of Delaware, for the proper observance of Memorial Day; and

WHEREAS, the Department of Delaware, Grand Army of the Republic, has passed out of existence and a new organization or group must be found to provide for the decoration of graves of Civil War Veterans and to otherwise arrange for the proper observance of Memorial Day in honor of such deceased veterans; and

WHEREAS, Appomattox Camp No. 2, Sons of Union Veterans of the Civil War, located in the State of Delaware, is willing to assume the responsibility for Memorial Day observances formerly arranged by the G. A. R., Department of Delaware, NOW THEREFORE,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of all the Members elected to each House concurring therein):*

Section 1. That the sum of Two Thousand Dollars (\$2,000.00) be and the same is hereby appropriated to Appomattox Camp No. 2, Sons of Union Veterans of the Civil War, for the biennium beginning July 1, 1953 and ending June 30, 1955. One Thousand Dollars (\$1,000.00) of said sum shall be available for the fiscal year ending June 30, 1954 and a like sum of One Thousand Dollars (\$1,000.00) shall be available during the fiscal year ending June 30, 1955. The State Treasurer is hereby authorized and directed to pay out of the funds so appropriated such sums as are listed on itemized vouchers duly

signed and approved by the proper officials of Appomattox Camp No. 2, Sons of Union Veterans of the Civil War.

Section 2. The money hereby appropriated shall be used for the decoration of graves of deceased veterans of the Civil War, memorial exercises and observances planned in honor of such veterans, and for necessary expenses in connection with such decoration, exercises and observances.

Section 3. This Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Funds of the State Treasury not otherwise appropriated.

Approved July 15, 1953.

## CHAPTER 374

## RELATING TO PENSION FOR STATE EMPLOYEES

**AN ACT AMENDING CHAPTER 55, TITLE 29, DELAWARE CODE OF 1953, RELATING TO THE NUMBER OF YEARS OF EMPLOYMENT NECESSARY TO QUALIFY A STATE EMPLOYEE FOR A PENSION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 5541, Title 29, Delaware Code of 1953, is amended by striking out the numerals "25" as the same appear in line two of said section and inserting in lieu thereof the numerals "15".

Approved July 15, 1953.

# CHAPTER 375

## RELATING TO PENSION FOR STATE EMPLOYEES

### AN ACT TO AMEND TITLE 29, DELAWARE CODE OF 1953 ENTITLED "STATE GOVERNMENT" BY BRINGING CERTAIN EMPLOYEES OF THE STATE HIGHWAY DEPARTMENT UNDER THE STATE PENSION PLAN.

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 5501, Title 29, Delaware Code of 1953 is amended by adding the following phrase at the end of the definition of "Covered employment" as the same appears therein and immediately after the phrase "Secretaries of the office of the Attorney General.":

"Employees of the State Highway Department engaged in the construction, operation or maintenance of the Delaware Memorial Bridge."

Approved July 15, 1953.

**CHAPTER 376**

**RELATING TO FAMILY COURT OF NEW CASTLE COUNTY**

**AN ACT AMENDING CHAPTER 9, TITLE 10, DELAWARE  
CODE OF 1953, RELATING TO CUSTODY OF A CHILD  
PENDING HEARING BEFORE THE FAMILY COURT  
OF NEW CASTLE COUNTY.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 977 (b) of Title 10, Delaware Code of 1953  
is amended to read as follows:

(b) No child, as defined in this chapter, except by specific  
order of the Judge, shall be photographed or fingerprinted or  
incarcerated in the County Workhouse or city police station or  
any jail.

Approved July 15, 1953.

## CHAPTER 377

### RELATING TO EMPLOYMENT CERTIFICATES FOR CHILDREN

#### **AN ACT AMENDING CHAPTER 5, TITLE 19, DELAWARE CODE OF 1953, RELATING TO FICTITIOUS OR ALTERED EVIDENCE PERTAINING TO THE ISSUANCE TO CHILDREN OF EMPLOYMENT CERTIFICATES OR CERTIFICATES OF AGE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 5, Title 19, Delaware Code of 1953, is amended by adding to the end thereof a new section reading as follows:

#### **§ 555. Obtaining certificates through fictitious or altered evidence; penalty**

Any person who shall offer, display, produce or utter any evidence of a duly attested transcript of a child's birth certificate, baptismal certificate, passport, affidavit or any other documentary evidence as proof of a child's age, knowing the same to be fictitious or altered, in order to obtain a general or provisional employment certificate or a certificate of age, shall be fined a sum not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

Approved July 15, 1953.

## CHAPTER 378

## RELATING TO STATE EMPLOYEES PENSION PLAN

**AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE OF 1953, RELATING TO STATE EMPLOYEES' PENSION PLAN; DEFINITIONS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sixth paragraph, starting with the words " 'Covered employment' means" of Section 5501, Chapter 55, Title 29, is amended by inserting a new sentence at the end of the first sentence thereof to read as follows:

Supervisors and attendants of school cafeterias, regardless of source of salary or wage, employed by School Districts, which are a part of the State School System of this State, shall be considered in "covered employment".

Approved July 15, 1953.



CHAPTER 379

REQUIRING TEACHING OF DELAWARE GOVERNMENT IN  
STATE SCHOOLS

**AN ACT AMENDING CHAPTER 41, TITLE 14, DELAWARE  
CODE OF 1953, BY REQUIRING THE TEACHING OF  
GOVERNMENT OF DELAWARE IN THE SCHOOLS OF  
THIS STATE.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 4104, Title 14, Delaware Code of 1953, is  
amended to read as follows:

**§ 4104. Teaching Constitution of the United States and  
Constitution and Government of Delaware**

(a) In all public and private schools located within this  
State, there shall be given regular courses of instruction in the  
Constitution of the United States and the Constitution and  
government of the State of Delaware.

(b) The instruction in the Constitution of the United  
States and the Constitution and government of the State of  
Delaware shall begin not later than the opening of the eighth  
grade and shall continue in the high school courses and in  
courses in State colleges, universities and the educational de-  
partments of State and municipal institutions to an extent to  
be determined by the State Board of Education.

Approved July 15, 1953.

## CHAPTER 380

## RELATING TO RECORDERS

**AN ACT TO AMEND CHAPTER 96, TITLE 9, DELAWARE  
CODE OF 1953 RELATING TO RECORDERS; COMPEN-  
SATION.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 9602, Chapter 96, Title 9, Delaware Code of 1953 is amended by striking out the figures "\$4,200" appearing in paragraph (1) thereof, and substituting in lieu thereof the figures "\$5,400."

Approved July 15, 1953.

## CHAPTER 381

## APPROPRIATION

## MILLSBORO SCHOOL

**AN ACT TO APPROPRIATE CERTAIN MONIES TO THE BOARD OF SCHOOL TRUSTEES OF MILLSBORO SCHOOL NO. 23 FOR THE PURPOSE OF RAISING THE CHIMNEY OF THE SCHOOL BUILDING.**

WHEREAS, the chimney of the Millsboro School No. 23 is not functioning properly since the conversion from coal to oil; and

WHEREAS, the improper functioning of said chimney is due to the insufficient height of said chimney; and

WHEREAS, the lack of height of said chimney has resulted in insufficient draft to permit the proper functioning of the burners thereby causing a lack of heat; and

WHEREAS, it is necessary to elevate the height of said chimney to assure proper functioning of the heating plant of said school; and

WHEREAS, it will cost Fourteen Hundred and Forty-One Dollars (\$1,441.00) to elevate the chimney of said school to a proper height; and

WHEREAS, the Board of School Trustees of the Millsboro School No. 23 is without funds for this purpose; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The sum of Fourteen Hundred and Forty-One Dollars (\$1,441.00) is appropriated to the Board of School Trustees of Millsboro School No. 23 for the purpose of elevating the height of the chimney of the school building at the Millsboro School No. 23 so that the school may fully utilize its heating plant.

Section 2. After the purposes of Section 1 of this act are fully performed, any sums hereby appropriated remaining unexpended shall revert to the General Fund of the State Treasury.

Section 3. This bill shall be known as a Supplementary Appropriation Act and the monies hereby appropriated shall be paid out of the General Fund of the State Treasury, not otherwise appropriated.

Approved July 15, 1953.

CHAPTER 382

RELATING TO ASSESSMENT OF PROPERTY

**AN ACT TO AMEND CHAPTER 83, TITLE 9, DELAWARE  
CODE OF 1953, RELATING TO ANNUAL ASSESSMENT  
OF ASSESSABLE PROPERTY AND PERSONS BY  
BOARDS OF ASSESSMENT.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 8301, Title 9, Delaware Code of 1953, is amended by inserting the following words after the word "improvements" appearing in the fourth line of said section: "and all property which has increased in value as a result of all or a portion of it being rented or leased for particular purposes, such as house trailers, etc,".

Approved July 15, 1953.

## CHAPTER 383

## APPROPRIATION

## INDIAN RIVER FIRE COMPANY

**AN ACT APPROPRIATING MONEY TO THE INDIAN RIVER FIRE COMPANY, AT OAK ORCHARD, DELAWARE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is hereby appropriated to the Indian River Fire Company, at Oak Orchard, Delaware, a fire company duly organized and equipped for the fighting of fires, the sum of Five Hundred Dollars (\$500.00) annually for each of the fiscal years beginning July 1, 1953 and July 1, 1954, to be used for the prevention and extinguishment of fires and for the maintenance of apparatus and equipment.

The sum of Five Hundred Dollars (\$500.00) hereby appropriated shall be paid by the State Treasurer to Indian River Fire Company within three (3) months after the beginning of each of the said fiscal years.

Section 2. This bill shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Funds of the State Treasury, not otherwise appropriated.

Approved July 15, 1953.

## CHAPTER 384

RELATING TO DELAWARE STATE HOSPITAL AT FARNHURST

**AN ACT TO AMEND CHAPTER 37, TITLE 12, DELAWARE  
CODE OF 1953 RELATING TO APPOINTMENT OF  
TRUSTEES.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Section 3702, Title 12, Delaware Code of 1953 is amended by striking out subsection (b) and inserting in lieu thereof a new section to read as follows:

(b) Where the person named is at the time of making the application an inmate of the Delaware State Hospital at Farnhurst, or of an institution for the care of the feeble-minded maintained by the Delaware Commission for the Feeble-minded, or a resident of this State and an inmate of any institution within or without the State maintained by or on behalf of the United States Government for the treatment or care of the mentally ill, or a resident of this State and an inmate of any institution receiving government compensation for such inmate, the Court may appoint a trustee or trustees for such person without issuing a writ under subsection (a) of this section. In any case the person alleged to be insane, his or her spouse, or any person related to such person within the third degree of consanguinity, may at any time before the appointment of such trustee, require that a writ issue under subsection (a) of this section.

Approved July 15, 1953.

## CHAPTER 385

## RELATING TO ADOPTION

**AN ACT TO AMEND TITLE 13, DELAWARE CODE OF 1953  
RELATING TO ADOPTION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 903 (a), Title 13 of the Delaware Code of 1953, is amended to read as follows:

**§ 903. Who may adopt**

(a) An unmarried resident of this State who is over 21 years of age, or, jointly, a husband and wife, residents of this State, who are not legally separated or who are not living apart from each other, or a divorced or a legally separated resident of this State who is over 21 years of age may petition the Orphans' Court for an order authorizing the petitioner or petitioners to adopt a minor child or children not his, hers or theirs. Nothing herein shall in any way affect the right of any person to adopt a person upwards of 21 years of age as provided in subchapter II of this chapter.

Approved July 15, 1953.



CHAPTER 386

RELATING TO ADVERSE POSSESSION OF LAND

**AN ACT AMENDING CHAPTER 45, TITLE 7, DELAWARE  
CODE OF 1953, RELATING TO ADVERSE POSSESSION  
OF LAND AGAINST THE STATE.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 4502, Title 7, Delaware Code of 1953, is re-  
pealed.

Approved July 15, 1953.

## CHAPTER 387

## RELATING TO ALCOHOLIC LIQUORS

**AN ACT TO AMEND TITLE 4, DELAWARE CODE OF 1953  
ENTITLED "ALCOHOLIC LIQUORS" BY GIVING THE  
LIQUOR COMMISSION THE POWER TO SUBPOENA  
WITNESSES AND DOCUMENTS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 304, Title 4, Delaware Code of 1953 is amended by adding the following subparagraph at the end thereof:

(17) The Commission may compel the attendance of witnesses and the production of contracts, papers, books, accounts and other documents. Subpoenas issued by the Commission shall be signed by the Commissioner and may be served by any sheriff, deputy sheriff, constable, or any employee of the Commission and the return thereof made to the Commission.

Approved July 15, 1953.

CHAPTER 388

APPROPRIATION

FOR ANTI HOG CHOLERA SERUM

**AN ACT APPROPRIATING CERTAIN MONEYS TO THE  
STATE BOARD OF AGRICULTURE TO BE USED FOR  
ANTI-HOG CHOLERA SERUM AND VIRUS AND PRO-  
VIDING FOR THE METHOD OF DISTRIBUTION.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. There is appropriated to the State Board of Agriculture for the purpose of purchasing anti-hog cholera serum and virus to be distributed in accordance with § 7103, Chapter 71, Title 3, Delaware Code of 1953, the sum of Four Thousand Dollars (\$4,000.00) for the fiscal year beginning July 1, 1953, and ending June 30, 1954, and a like sum of Four Thousand Dollars (\$4,000.00) for the fiscal year beginning July 1, 1954, and ending June 30, 1955.

Section 2. This act shall be known as a Supplementary Appropriation Act and the moneys hereby appropriated shall be paid out of the General Fund of the State Treasury, not otherwise appropriated.

Approved July 15, 1953.

## CHAPTER 389

## RELATING TO PENSIONS FOR WILMINGTON SCHOOL TEACHERS

**AN ACT TO AMEND CHAPTER 208, VOLUME 26, LAWS OF DELAWARE RELATING TO PENSIONS FOR PUBLIC SCHOOL TEACHERS IN THE CITY OF WILMINGTON.**

WHEREAS, it is the policy of this General Assembly to extend to the teachers of the public schools in the City of Wilmington the basic protection accorded to others by the old-age and survivors' insurance system embodied in the Federal Social Security Act; and

WHEREAS, under existing law it is impossible to obtain Social Security coverage for teachers of the public schools in the City of Wilmington because of the existence of a retirement system for teachers of the public schools in the City of Wilmington, as established in accordance with the provisions of Chapter 208, Volume 26, Laws of Delaware, as amended; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 208, Volume 26, Laws of Delaware, as amended, is further amended as follows:

In the event that the Board of Retirement obtains satisfactory evidence that Federal Social Security coverage can be secured for teachers of the public schools in the City of Wilmington, it shall have the authority to terminate and liquidate the aforesaid retirement system and "The Public School Teachers' Retirement Fund, Wilmington, Delaware" by formal action of the Board, without more, said termination and liquidation to be effected on or before September 1, 1953. In connection with such termination and liquidation, on or before September 1, 1953, the said Board of Retirement shall retain so much of the said Retirement Fund as it determines to be necessary to allocate for the benefit of any teacher retired before termination and liquidation a sum sufficient to provide the retirement benefits for which he was qualified at time of liquidation and

termination. The said Board of Retirement shall have the power and authority to make such provisions as it deems necessary to provide for such benefits to such retired teachers. The balance of the Retirement Fund shall be transferred forthwith to a suitable escrow agent of the Board of Retirement's choosing, which escrow agent shall hold the assets representing such Retirement Fund in trust for distribution in accordance with such regulations as the Board of Retirement may determine necessary to accomplish the liquidation and termination herein provided. Any cash refunds to which teachers not retired shall be entitled under any decision of the Board of Retirement shall be determined on the basis of individual contributions to the fund, without interest.

Section 2. In the event that the said Board of Retirement terminates and liquidates the retirement system established pursuant to Chapter 208, Volume 26, Laws of Delaware, as amended, on or before September 1, 1953, then and in such event, effective October 2, 1953, a statute is enacted to be identical with Chapter 208, Volume 26, Laws of Delaware, as amended, as it existed as of August 31, 1953, with the following changes: (a) Section 2., numbered paragraph 1: Strike out July 1, 1911. Insert in lieu thereof July 1, 1954. (b) Numbered paragraph 3: Strike out July 1, 1911. Insert in lieu thereof July 1, 1954. (c) Numbered paragraph 4: Strike out the words July first, nineteen hundred and forty-one, contained in the second sentence thereof. Insert in lieu thereof the words October second, nineteen hundred and fifty-three.

Further, and in such event, the said escrow agent shall on October 2, 1953 or as soon thereafter as convenient transfer any assets, not required for refund to teachers not retired, to the Retirement Fund established under the newly created retirement system provided for in this section, to provide credits for teachers not retired in accordance with regulations of the Board of Retirement created pursuant to this section. Said Board of Retirement shall have the power and authority to consolidate the retirement system provided for in this section with any existing system providing retirement benefits for teachers in public schools in the City of Wilmington.

Approved July 15, 1953.

CHAPTER 390  
APPROPRIATION  
FOR MOSQUITO CONTROL

**AN ACT APPROPRIATING CERTAIN MONEYS TO THE  
STATE HIGHWAY DEPARTMENT FOR THE PURPOSE  
OF AIDING AND ASSISTING IN THE CONTROL AND  
ERADICATION OF MOSQUITOES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is appropriated the sum of Twenty-five Thousand Dollars (\$25,000.00) for the fiscal year ending June 30, 1954 and the additional sum of Twenty-five Thousand Dollars (\$25,000.00) for the fiscal year ending June 30, 1955 to the State Highway Department for the purpose of aiding and assisting in the control and eradication of mosquitoes in this State. The funds hereby appropriated shall be paid out of the General Fund of the State Treasury from time to time upon warrants issued by the Department.

Section 2. This is a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated, and any funds hereby appropriated remaining unexpended at the end of the respective fiscal years shall revert to the General Fund.

Approved July 15, 1953.

## CHAPTER 391

### APPROPRIATION

#### FOR EMPLOYMENT OF STATE VIROLOGIST

#### **AN ACT APPROPRIATING CERTAIN MONEY TO THE STATE BOARD OF AGRICULTURE FOR THE PURPOSE OF PAYING THE SALARY OF THE STATE VIROLO- GIST IN POULTRY PATHOLOGY DIVISION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is appropriated to the State Board of Agriculture the sum of Ten Thousand Dollars (\$10,000.00) to be used for the purpose of paying the salary of the State Virologist in Poultry Pathology Division of the State Board of Agriculture for the biennium ending June 30, 1955.

Section 2. The annual salary of the State Virologist in Poultry Pathology Division of the State Board of Agriculture shall not exceed Five Thousand Dollars (\$5,000.00).

Section 3. In the event that all or any part of the said sum of Ten Thousand Dollars (\$10,000.00) hereby appropriated shall remain unexpended on June 30, 1955, it shall revert to the General Fund of the State Treasury.

Section 4. This act shall be known as a Supplementary Appropriation Act and the monies hereby appropriated shall be paid out of the General Fund of the State Treasury, not otherwise appropriated.

Approved July 15, 1953.

## CHAPTER 392

## RELATING TO WILMINGTON POLICE PENSION FUND

**AN ACT AMENDING CHAPTER 113, VOLUME 32, LAWS OF DELAWARE, ENTITLED "AN ACT PROVIDING FOR A POLICE PENSION FUND: FOR MEMBERS OF THE POLICE FORCE OF THE CITY OF WILMINGTON", BY PROVIDING FOR A BASE MONTHLY MINIMUM PENSION PAYMENT; WIDOW'S PENSION; DEPENDENT'S PENSION.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all Members of each Branch thereof concurring therein):*

Section 1. Chapter 113, Volume 32, Laws of Delaware, as amended, is further amended by inserting after the words "retired list" appearing in the sixteenth line of Section 1, the following: "providing that each such person shall receive a minimum pension payment of not less than a sum of One Hundred and Fifty Dollars (\$150.00) per month, regardless of his salary at the time of his retirement", and by adding two new sentences to the end of said Section 1 to read as follows:

"Any widow of any member of the police force of the City of Wilmington whose husband shall have been entitled to a pension, shall receive as a monthly payment a minimum amount of Seventy-Five Dollars (\$75.00). This provision shall also apply to widows of pensioners whether the same now are presently receiving pensions or will receive a pension payment in the future."

Section 2. Chapter 113, Volume 32, Laws of Delaware, as amended, is further amended by adding at the end of Section 1 a new paragraph to read as follows:

"The widow of any member of the police force of the City of Wilmington whose husband shall have forfeited his life in the performance of his duty shall receive from the Police Pension Fund, a sum equal to her husband's last year's salary



from said Fund, and then one-half of his salary until her death or remarriage, and each surviving child after the first year of said death shall receive Ten Dollars (\$10.00) per month for each living dependent child born or conceived before such death and currently under the age of eighteen years.

Section 3. This Act shall become effective June 26, 1953.

Approved July 15, 1953.

## CHAPTER 393

## RELATING TO WILMINGTON FIREMEN'S PENSION FUND

**AN ACT TO AMEND CHAPTER 118, VOLUME 33, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT PROVIDING FOR A WIDOW'S AND ORPHANS PENSION, WHOSE HUSBAND MAY BE KILLED IN THE LINE OF DUTY, IN THE BUREAU OF FIRE OF THE DEPARTMENT OF PUBLIC SAFETY OF THE CITY OF WILMINGTON" BY PROVIDING CERTAIN BENEFITS OF PENSION PAYMENTS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of the Members of each Branch thereof concurring therein):*

WHEREAS, it is desirous that certain monthly payments to widows and orphans of the member of this Department, who lost their life in the performance of their duty, should be not less than a stated sum.

Section 1. Chapter 118, Volume 33, Laws of Delaware (1923), is amended by adding at the end thereof another paragraph to read:

"Any member of the Bureau of Fire of the Department of Public Safety of the City of Wilmington, who shall have forfeited his life in the performance of his duty, his widow shall receive from the Pension Fund of the Bureau of Fire of the City of Wilmington, one year's full salary from said fund, and then one-half of his salary until her death or remarriage, each surviving child after the first year of said death, shall receive Ten Dollars (\$10.00) per month for each living dependent child born or conceived before such death and currently under the age of eighteen years of age.

Section 2. This Act shall become effective June 26, 1953.

Approved July 15, 1953.

## CHAPTER 394

## APPROPRIATION

## STATE DETENTION HOME FOR JUVENILES

**AN ACT APPROPRIATING MONEY TO A TEMPORARY COMMISSION TO BE APPOINTED BY THE GOVERNOR TO ACQUIRE AND EQUIP A STATE DETENTION HOME FOR JUVENILES.**

**PREAMBLE:** The purpose of this Act shall be to provide suitable quarters for the detention of juveniles to the end that they shall not be housed with adult offenders with consequent exposure to criminal behavior but rather that their detention shall offer shelter accompanied by proper direction and wise counselling so that they may be helped to become useful citizens.

**WHEREAS,** the gross inadequacy of the present Detention Home for Juveniles for the State of Delaware, located at 308 West Street, Wilmington, Delaware, with respect to both design and available space, has severely handicapped efforts of the Family Court for New Castle County and the Juvenile Court for Kent and Sussex Counties to formulate appropriate disposition for those delinquent children who require detention, study and guidance, and short-term rehabilitation; and

**WHEREAS,** in 1949 twenty-six (26) children were held illegally in the Sussex County jail for periods ranging up to fifteen (15) days, and forty-five (45) children were held illegally in the Kent County jail for periods ranging up to twenty-four (24) days, and one hundred and ten (110) children were held illegally in the Wilmington Police Lock-up for periods ranging up to six (6) days, all of which was stated to be necessary due to lack of adequate and secure detention facilities, and all of which is contrary to the best known practices of handling children with behavior problems; and

**WHEREAS,** New Castle County Grand Jury reports for more than seventeen (17) years have consistently condemned the present detention facilities as unfit and unsafe for detention of children; and

WHEREAS, these inadequacies could be eliminated and the vicious practice of locking children either with adult offenders or into a building which is not fireproof could be discontinued by the provision of a building or buildings suitable for the detention of those children who need detention for study or for security; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Within ninety (90) days from the date of the approval of this Act, the Governor of the State of Delaware shall appoint a temporary Commission of five (5) persons; one of whom shall be appointed from the City of Wilmington; one from rural New Castle County; one from Kent County; one from Sussex County, and one at large. This Commission shall be known as "State Detention Home for Juveniles Building Commission".

Section 2. The Commission shall select and purchase, or otherwise acquire, a suitable site for a building to provide adequate detention quarters for juveniles. If there be no suitable building on the site, then the Commission shall alter any buildings thereon, that may be, by such alteration, made suitable for the aforesaid purpose; or if there be a building on the site which cannot be made suitable, then it shall dispose of or demolish the building on such terms as to the Commission may seem proper. Thereafter the Commission shall erect or otherwise acquire suitable buildings and purchase or otherwise acquire all the necessary equipment for the buildings. The Commission may supervise the purchase or erection of such building or buildings and the installation of such equipment.

In carrying out its duties hereunder, the Commission may employ architectural or other technical advisors and pay for such services.

Section 3. The Commission shall organize by the selection from its members of a Chairman, a Secretary and a Treasurer.

Section 4. The title to any lands, buildings or equipment acquired shall be taken in the name of "The State of Delaware".

Section 5. The land, together with the buildings and equipment, when completed and ready for use shall be turned over by the Commission to the Board of Managers of the Detention Home of the State of Delaware, and the Commission shall then wind up its affairs.

Section 6. The sum of Eighty-five Thousand Dollars (\$85,000.00) is appropriated for the use of the Commission in carrying out its duties. Said funds shall be made available to the Commission as needed by the Commission for expenses incurred in the discharge of its duties.

Section 7. The said sum of Eighty-five Thousand Dollars (\$85,000.00) or such part thereof as may be necessary for the purposes herein set forth, shall be paid upon warrants made out to the State Treasurer and signed by the President, Secretary and Treasurer of the Commission, and approved by the Auditor of Accounts.

Section 8. This act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State of Delaware, not otherwise appropriated, unless an omnibus bond bill including the above appropriation is enacted into law by the 117th General Assembly of the State of Delaware, in which event the above appropriation shall be paid out of moneys received by the sale of bonds authorized under said act.

Approved July 15, 1953.

## CHAPTER 395

## APPROPRIATION

## FOR BOY'S AND GIRL'S STATE

**AN ACT APPROPRIATING FUNDS TO THE AMERICAN  
LEGION AND AMERICAN LEGION AUXILIARY FOR  
EXPENSES TO BE INCURRED IN CONNECTION WITH  
THE HOLDING OF BOY'S STATE AND GIRL'S STATE.**

*Be it enacted by the General Assembly of the State of  
Delaware (three-fourths of each House concurring therein):*

Section 1. The sum of One Thousand Dollars (\$1,000.00) is appropriated to the American Legion Department of Delaware for the bearing of expenses incident to the holding of Boy's State during the years 1953 and 1954; and the further sum of One Thousand Dollars (\$1,000.00) is appropriated to the American Legion Auxiliary Department of Delaware for the bearing of expenses incident to the holding of Girl's State during the years 1953 and 1954. No more than Five Hundred Dollars (\$500.00) shall be spent for the holding of Boy's State and/or Girl's State in any one year.

Section 2. The State Treasurer is authorized and empowered to pay to the Department Finance Officer of the American Legion Department of Delaware a sum not exceeding Five Hundred Dollars (\$500.00) for the holding of Boy's State in 1953 and a sum not exceeding Five Hundred Dollars (\$500.00) for the holding of Boy's State in 1954 upon receipt of drafts properly drawn and signed by said Department Finance Officer.

Section 3. The State Treasurer is authorized and empowered to pay to the Department Treasurer American Legion Auxiliary Department of Delaware a sum not exceeding Five Hundred Dollars (\$500.00) for the holding of Girl's State in 1953 and a sum not exceeding Five Hundred Dollars (\$500.00) for the holding of Girl's State in 1954 upon receipt of drafts properly drawn and signed by said Department Treasurer.

Section 4. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated are to be paid out of the General Fund of the State Treasury from funds not otherwise appropriated. Any of the funds appropriated herein that are not expended during the period specified shall revert to the General Fund.

Approved July 15, 1953.

## CHAPTER 396

## RELATING TO CATCHING OF OYSTERS

**AN ACT TO AMEND TITLE 7, DELAWARE CODE OF 1953,  
RELATING TO "CONSERVATION" BY LIMITING THE  
AMOUNT OF OYSTERS TAKEN FROM TRIBUTARIES  
OF DELAWARE BAY AND REQUIRING THE USE OF  
A BOARD FOR CULLING.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2304, Title 7, Delaware Code of 1953, is amended by striking out all of § 2304 and substituting the following:

**§ 2304. Oysters taken from tributaries of Delaware Bay; culling, method; legal size; violation and penalty; jurisdiction**

Plant and seed oysters caught in any river, creek or pond (excepting Broadkill River or its tributaries) tributary to the Delaware Bay, shall be culled on a board and those not useable shall be thrown back and shells returned at the place where they are caught. Each person shall be permitted to catch or take twenty-five (25) bushels per day but no more from said rivers, creeks or ponds (excepting Broadkill River or its tributaries).

Any person entitled to catch or take oysters under the provisions of Part 2 of this Title, relating to Broadkill River and its tributaries, is prohibited from taking oysters from Broadkill River or its tributaries, less than three inches in length.

Whoever violates the provisions of this section shall be fined twenty-five dollars (\$25.00) for each violation, to be paid to the Collector, to be by him accounted for as a part of the Oyster Revenue of the State.

Approved July 15, 1953.



## CHAPTER 397

### RELATING TO HUNTING AND FISHING LICENSES BY MEMBERS OF ARMED FORCES

**AN ACT TO AMEND TITLE 7, DELAWARE CODE OF 1953,  
ENTITLED "CONSERVATION" BY REPEALING THE  
PROVISION THAT SPECIALLY LIMITS THE PLACE  
OF PURCHASE OF HUNTING, TRAPPING AND FISH-  
ING LICENSES BY MEMBERS OF THE ARMED  
FORCES.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 505, Title 7, Delaware Code of 1953 is amended by striking out and repealing the following sentence as it appears therein:

"All applications by any such member of the Armed Forces for a resident license shall be acted upon, and all such licenses issued, at the offices of the Board, at Dover, Delaware."

Approved July 15, 1953.

## CHAPTER 398

## APPROPRIATION

## DELAWARE COMMISSION OF SHELL FISHERIES

**AN ACT MAKING AN APPROPRIATION TO THE DELAWARE COMMISSION OF SHELL FISHERIES FOR THE STATE'S SHARE OF THE INITIAL COSTS OF THE IMPROVEMENT OF THE INDIAN RIVER BAY CHANNEL VIA PEPPER'S CREEK IN SUSSEX COUNTY, AND AUTHORIZING AND EMPOWERING THE SAID COMMISSION TO ACT AS THE AGENCY OF THE STATE OF DELAWARE TO DO ALL THINGS NECESSARY TO COMPLY WITH THE REQUIREMENTS OF THE UNITED STATES GOVERNMENT RELATIVE TO THE STATE'S CONTRIBUTION TO SAID IMPROVEMENT.**

WHEREAS, the channel leading from Indian River Bay via Pepper's Creek to Dagsboro has by reason of natural elements shoaled from said river for all of its distance up to the town of Dagsboro so that except there be extreme tides it has become impossible for boats drawing more than four feet of water to land their passengers and freight at any of the docks or wharves in or near the said town of Dagsboro; and

WHEREAS, it has become necessary for said channel to be dredged so that all shipping may have safe and sure passage from the said channel to the said docks and wharves in or near the said town of Dagsboro; and

WHEREAS, the United States Government, through its proper agencies is prepared to expend the sum of one hundred and twenty-five thousand dollars (\$125,000.00) for said project, provided the State of Delaware will authorize and empower the proper State authorities to make necessary contracts with the United States Government and others; to secure all lands, easements, and rights-of-ways and spoil disposal areas for the initial work and for subsequent maintenance; to hold and save the United States free from claims for damages resulting from the improvements; and to give assurance satisfactory to the Secretary of War that suitable terminal facilities will be provided and maintained, open to all on equal terms,

NOW, THEREFORE, in order to avail the State of Delaware of the offer on the part of the government of the United States,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. That the Delaware Commission of Shell Fisheries is hereby authorized and empowered as the agent of the State of Delaware to enter into all necessary contracts with the proper agency of the government of the United States and to do all other things necessary to be done in order that the State of Delaware may avail itself of the offer of the federal government to improve the channel in Sussex County.

Section 2. That the sum of thirty thousand dollars (\$30,000) is hereby appropriated to the Delaware Commission of Shell Fisheries for use in carrying out the purposes of this Act, twenty-five thousand dollars (\$25,000) of which sum so appropriated shall be paid the proper agency of the United States Government as the contribution of the State of Delaware to the initial cost of the improvement mentioned therein, and five thousand dollars (\$5,000) of which appropriation shall be used for other purposes necessary to be done or performed on the part of the State of Delaware.

The amount so appropriated shall be paid out of the State Treasury of the State of Delaware upon warrants duly signed and approved by the proper officers of the Delaware Commission of Shell Fisheries.

Section 3. This bill shall be known as a Supplementary Appropriation Bill, and the moneys hereby appropriated shall be paid out of the General Fund of the State Treasury from sums not otherwise appropriated. The funds hereby appropriated shall revert to the General Fund of the State Treasury if the United States Government fails, neglects or refuses to carry out its offer of expending the sum of One Hundred and Twenty-Five Thousand Dollars (\$125,000.00) to improve said channel by June 30, 1955. In the event the United States Gov-

ernment does carry out its said offer to improve said channel and any part of said sum hereby appropriated remains unexpended after the completion of the purposes of this act, the unexpended part thereof shall revert to the General Fund of the State Treasury.

Approved July 15, 1953.

## CHAPTER 399

## APPROPRIATION

## DELAWARE COMMISSION OF SHELL FISHERIES

**AN ACT MAKING AN APPROPRIATION TO THE DELAWARE COMMISSION OF SHELL FISHERIES FOR THE STATE'S SHARE OF THE INITIAL COST OF THE IMPROVEMENT OF A CHANNEL ACROSS REHOBOTH BAY TO THE CHANNEL LEADING FROM MILLSBORO THROUGH INDIAN RIVER TO THE INLET, AND AUTHORIZING AND EMPOWERING SAID COMMISSION TO ACT AS THE AGENT OF THE STATE OF DELAWARE.**

WHEREAS, the channel leading from the point where the Lewes and Rehoboth Canal empties into Rehoboth Bay to Mass-eyes Landing and from thence through the ditches to a proposed channel leading from Millsboro to the Indian River Inlet, has shoaled and should be dredged to such a depth and width as to allow shipping through said channel; and

WHEREAS, the United States Government through its proper agencies is prepared to expend the sum of Ninety Thousand Dollars (\$90,000) for said project, provided the State of Delaware makes a contribution of Twenty Thousand (\$20,000) to the initial cost of said work; NOW THEREFORE,

In order to avail the State of Delaware of the offer on the part of the government of the United States,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. That the sum of Twenty Thousand Dollars (\$20,000) is hereby appropriated to the Delaware Commission of Shell Fisheries for use in carrying out the purposes of this Act, the said sum so appropriated to be paid by the said Commission to the proper agency of the United States Government as the contribution of the State of Delaware to the initial cost of the improvement mentioned herein.

The amount so appropriated shall be paid out by the State Treasurer of the State of Delaware upon warrants duly signed and approved by the proper officers of the Commission of Shell Fisheries.

Section 2. That the Delaware Commission of Shell Fisheries is hereby authorized and empowered as the agent of the State of Delaware to enter into all necessary contracts with the proper agency of the government of the United States and to do all other things necessary to be done in order that the State of Delaware may avail itself of the offer of the federal government to improve the channel in Sussex County.

Section 3. This bill shall be known as a Supplementary Appropriation Bill, and the moneys hereby appropriated shall be paid out of the General Fund of the State Treasury from funds not otherwise appropriated. The funds hereby appropriated shall revert to the General Fund of the State Treasury if the United States Government fails, neglects or refuses to carry out its offer of expending the sum of ninety thousand dollars (\$90,000) to improve said channel by June 30, 1955. In the event the United States Government does carry out its said offer to improve said channel and any part of said sum hereby appropriated remains unexpended after the completion of the purposes of this Act, the unexpended part thereof shall revert to the General Fund of the State Treasury.

Approved July 15, 1953.

CHAPTER 400

RELATING TO THE TOWN OF FREDERICA

**AN ACT TO AUTHORIZE AND EMPOWER THE MAYOR  
AND TOWN COUNCIL OF THE TOWN OF FREDERICA  
TO PROHIBIT AND RESTRICT CERTAIN AREAS  
WITHIN THE TOWN OF FREDERICA FROM BEING  
USED AS TRAILER PARKS OR CAMPS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. The Mayor and Town Council of the town of Frederica are hereby authorized and empowered to prohibit and restrict by town ordinance the use of certain areas within the town limits of the Town of Frederica for the purpose of maintaining, operating, erecting, and establishing trailer parks or camps.

Approved July 15, 1953.

## CHAPTER 401

### RELATING TO THE CITY OF WILMINGTON

**AN ACT TO FURTHER AMEND CHAPTER 178, VOLUME 40, LAWS OF DELAWARE, 1935, AS AMENDED, BY REPEALING ALL OF SUB-PARAGRAPH (g) OF SECTION 2 OF SAID ACT AND DISCHARGING THE MAYOR AND COUNCIL OF WILMINGTON FROM ALL LIABILITY IMPOSED UPON IT BY SAID SUB-PARAGRAPH.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of the members of each branch concurring therein):*

Section 1. Section 2 of Chapter 178, Volume 40, Laws of Delaware, 1935, as amended, be and the same is further amended by striking out and repealing all of sub-paragraph (g) of said section.

Section 2. That the Mayor and Council of Wilmington be and it is hereby discharged of and from all liability which may have been imposed upon it by sub-paragraph (g), Section 2 of Chapter 178, Volume 40, Laws of Delaware, 1935, as amended.

Approved July 15, 1953.



## CHAPTER 402

## RELATING TO STATE BOARD OF EDUCATION

**AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE OF 1953, IN REFERENCE TO THE MEETING DATES OF BOARDS OF EDUCATION AND BOARDS OF SCHOOL TRUSTEES OF SCHOOL DISTRICTS AND SPECIAL SCHOOL DISTRICTS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 704, (a), Title 14, Delaware Code of 1953, is amended by striking out the words "on the first Saturday".

Section 2. § 904, (a), Title 14, Delaware Code of 1953, is amended by striking out the words "on the first day of July" and inserting in lieu thereof the word "July".

Section 3. § 905, (a), Title 14, Delaware Code of 1953, is amended by striking out the words "on the second Friday of".

Approved July 15, 1953.

## CHAPTER 403

## RELATING TO PUBLIC SCHOOL ATTENDANCE

**AN ACT TO AMEND TITLE 14, DELAWARE CODE OF 1953,  
RELATING TO "EDUCATION" BY REGULATING PUBLIC  
SCHOOL ATTENDANCE.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2702, Title 14, Delaware Code of 1953, is amended by striking out the word "fourteen" as it appears in the second line of subsection (a) and substituting the word "sixteen".

Section 2. § 2702, Title 14, Delaware Code of 1953, is amended by repealing all of subsection (b) and substituting the following:

(b) The provisions of this section are subject to the exceptions set forth in § 2703, § 2704, § 2705, § 2706 and § 2707 of this title.

Section 3. § 2702, Title 14, Delaware Code of 1953, is amended by repealing all of subsection (c).

Section 4. § 2703, Title 14, Delaware Code of 1953, is amended by striking out the words "during the minimum school term" in lines six and seven of subsection (a).

Approved July 15, 1953.

## CHAPTER 404

## RELATING TO SCHOOL BUSES

**AN ACT TO AMEND TITLE 21, DELAWARE CODE OF 1953,  
RELATING TO SCHOOL BUSES AND DISTINCTIVE  
COLOR AND SIGNS THEREON.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 4361, Title 21, Delaware Code of 1953 is amended to read as follows:

**§ 4361. Distinctive color and signs**

Every bus used for the transportation of school children shall be painted chrome yellow, and shall bear upon the front thereof a plainly visible sign mounted or painted directly above the windshield containing the words "SCHOOL BUS" in black letters not less than six inches in height, and a plainly visible sign on the rear thereof mounted or painted in the center of the body panel containing the words "SCHOOL BUS-STOP-STATE LAW" in black letters not less than six inches in height. When a school bus is being operated upon a highway for purposes other than the transportation of children either to or from school, all markings thereon indicating "School Bus" shall be removed or concealed.

Approved July 15, 1953.

**CHAPTER 405****RELATING TO HOSPITAL CARE OF INDIGENT SICK  
IN SUSSEX COUNTY**

**AN ACT TO AMEND CHAPTER 62, TITLE 9, DELAWARE CODE OF 1953, ENTITLED "INDIGENT SICK"; BY INCREASING THE APPROPRIATION OF THE LEVY COURT OF SUSSEX COUNTY FOR THE HOSPITAL CARE AND TREATMENT OF THE INDIGENT SICK OF SUSSEX COUNTY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 6205, Title 9, Delaware Code of 1953 is amending by substituting the figures "\$65,000" for the figures "\$50,000" in line two thereof.

Approved July 15, 1953.

## CHAPTER 406

## RELATING TO EDUCATION

**AN ACT TO AMEND TITLE 14, DELAWARE CODE OF 1953  
ENTITLED "EDUCATION" BY INCREASING THE SUM  
WHICH MAY BE PROVIDED FOR EACH UNIT OF  
PUPILS UNDER CERTAIN CONDITIONS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1706, Title 14, Delaware Code of 1953 is amended by adding the words "provided that the sum allocated during the school year for new and additional units in a school district in which the additional units have no facilities and in which the additional units give a total number of units in excess of the maximum present at any time during the past five years, may exceed the uniform amount appropriated for expenses included in Division II; such moneys shall be used for the purchase of text-books, furniture, and other classroom equipment".

Section 2. For such additional new units there is appropriated to the State Board of Education the sum of twenty-five thousand dollars (\$25,000.00) for the year ending June 30, 1954 and a further sum of twenty-five thousand dollars (\$25,000.00) for the year ending June 30, 1955.

Section 3. The State Board of Education shall determine the amounts which are to be allotted to each qualifying school district, taking into consideration the funds appropriated in Section 2 and the actual number of additional units to be provided for, and shall notify the State Auditor of Accounts who shall then cause such amounts to be included with the funds due according to Section 1 of this Article to the district.

Section 4. This is a supplementary appropriation and the funds appropriated shall be paid out of the general fund of the State Treasury not otherwise appropriated.

Approved July 15, 1953.

## CHAPTER 407

## RELATING TO MOTOR VEHICLES

**AN ACT TO AMEND CHAPTER 61, TITLE 21, DELAWARE  
CODE OF 1953, RELATING TO THE LIABILITY OF AN  
OWNER OR PERSON FURNISHING A MOTOR VEHICLE  
TO A MINOR FOR THE NEGLIGENCE OF SUCH MINOR.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. § 6106, Title 21, Delaware Code of 1953, is amended by adding to said section, after changing the period at the end thereof to a comma, the following:

“and the negligence of such minor shall be imputed to such owner or such person for all purposes of civil damages.”

Approved July 15, 1953.

## CHAPTER 408

## RELATING TO STATE BOARD OF EDUCATION

**AN ACT TO AMEND TITLE 14, DELAWARE CODE OF 1953  
ENTITLED "EDUCATION" RELATIVE TO THE RETEN-  
TION AND USE OF FUNDS RECEIVED BY THE STATE  
BOARD OF EDUCATION FROM INSURANCE COM-  
PANIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 126, Title 14, Delaware Code of 1953 is amended by striking out the words "deposited in the General Fund of the State" in lines 3 and 4 and substituting the words "kept in a special fund." The said special fund shall be used by the State Board of Education to pay as far as possible or necessary for the repair or re-building of any building in connection with the loss sustained. Any moneys remaining in the fund after carrying out the provisions of this section shall be deposited in the General Fund of the State.

Approved July 15, 1953.

**CHAPTER 409****RELATING TO ORAL HYGIENISTS****AN ACT TO AMEND CHAPTER 11, TITLE 24, DELAWARE CODE OF 1953, BY ENLARGING THE DUTIES PERMITTED ORAL HYGIENISTS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1157, Title 24, Delaware Code of 1953, is amended by inserting in the second paragraph thereof, immediately following the word "cavities", and before the word "but", the following: "and may perform such prophylactic or preventive measures in the case of teeth, including the application of chemicals to the teeth for the prevention of dental caries, as the State Board of Dental Examiners may from time to time authorize,".

Approved July 15, 1953.



## CHAPTER 410

## RELATING TO HANDICAPPED CHILDREN

**AN ACT TO AMEND TITLE 14, DELAWARE CODE OF 1953 ENTITLED "EDUCATION" IN REGARD TO EXCEPTIONAL AND HANDICAPPED CHILDREN AND TO APPROPRIATE FUNDS FOR THE EDUCATION, TRAINING AND TRANSPORTATION OF HANDICAPPED CHILDREN.**

WHEREAS, § 3103, Chapter 31, Title 14, Delaware Code of 1953 expressly requires the State Board of Education to provide and maintain special classes and special facilities to meet the needs of handicapped children recommended for special training; and

WHEREAS, it is the obligation of the State Board of Education to provide educational opportunities for all of the children of the State in accordance with their aptitudes, interests, abilities, or disabilities, and

WHEREAS, it is sound economically, socially advantageous, and humane to provide for exceptional children, and

WHEREAS, the current budgets of the various school districts are inadequate to support a satisfactory educational program adapted to the needs of exceptional children; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is appropriated to the State Board of Education the sum of seventy-five thousand dollars (\$75,000.00) for the school year 1953-54 and a further sum of seventy-five thousand dollars (\$75,000.00) for the school year 1954-55 to carry out the provisions of Chapter 31, Title 14, Delaware Code of 1953.

Section 2. § 3101, Title 14, Delaware Code of 1953 is amended by striking out the definition of "maladjusted chil-

dren" as it appears therein and inserting in lieu thereof the following:

"Maladjusted children" means children between the ages of six and sixteen years of age who are truant, incorrigible, delinquent, or in need of a special educational program designed to prevent them from becoming truant, incorrigible or delinquent, or children who, upon the recommendation and approval of the chief administrative officer of a school district and upon the recommendation and approval of the Director of Child Development and Guidance, and/or upon commitment by courts of competent jurisdiction are assigned to such classes, schools, or institutions.

Section 3. § 3104 (5), Title 14, Delaware Code of 1953 is amended to read as follows:

(5) allocation and/or transfer of funds to school districts or institutions which establish and maintain special classes for handicapped children for costs in excess of the funds necessary for the classes of the normal children.

Section 4. This is a supplementary appropriation. The source of funds shall be the General Fund.

Approved July 15, 1953.

CHAPTER 411  
APPROPRIATION  
UNIVERSITY OF DELAWARE

**AN ACT APPROPRIATING CERTAIN MONEY TO THE UNIVERSITY OF DELAWARE FOR THE PURPOSE OF ESTABLISHING SCHOLARSHIPS AT THE UNIVERSITY OF DELAWARE; PROVIDING FOR THE APPOINTMENT OF A SCHOLARSHIP COMMITTEE AND PROVIDING THAT THE SCHOLARSHIPS BE AWARDED TO STUDENTS DESIROUS OF ENTERING THE TEACHING PROFESSION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. That there is hereby appropriated the sum of ten thousand dollars (\$10,000.00) annually to the University of Delaware for the purpose of establishing scholarships at the University of Delaware.

Section 2. The minimum number of scholarships to be awarded in each and every year shall be twenty (20), which shall be awarded to students who desire, upon completion of their studies, to enter the teaching profession and who agree in writing with the scholarship committee provided below, to make themselves available as a teacher in the public schools of Delaware for a period of at least one year after graduation.

Section 3. The Committee to award such scholarships shall be five (5) in number and shall be composed of two (2) members to be selected from the faculty of the University of Delaware (other than from the School of Education, University of Delaware), one (1) member to be selected from the Alumni Association, University of Delaware, and two (2) members to be selected from the faculty of the School of Education, University of Delaware. The said Committee shall be appointed by the Board of Trustees of the University of Delaware. Such appointment shall originally be as follows: two (2) members shall be appointed for the term of one year, one (1) member

for the term of two years, another for the term of three years and another for the term of four years. Thereafter, as the terms of office of members expire, either by death, resignation, removal from the State, or otherwise, appointments shall be made for terms of four years each.

Section 4. The State Treasurer is hereby authorized and directed to pay to the University of Delaware the said sum of ten thousand dollars (\$10,000.00) beginning July 1, 1953, and ending June 30, 1954, and a like sum beginning July 1, 1954, and ending June 30, 1955.

Section 5. This Act shall be known as a Supplementary Appropriation Act and the money hereby appropriated shall be paid out of the General Fund of the State Treasury not otherwise appropriated.

Approved July 15, 1953.

CHAPTER 412

RELATING TO STATE EMPLOYEES' PENSION PLAN

**AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE OF 1953, ENTITLED "STATE EMPLOYEES' PENSION PLAN" BY ADDING TO THE DEFINITION OF "COVERED EMPLOYMENT", PROBATION OFFICERS OF THE JUVENILE COURT FOR KENT AND SUSSEX COUNTIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 5501, Chapter 55, Title 29, Delaware Code of 1953, is amended by adding the words "Probation Officers of the Juvenile Court for Kent and Sussex Counties" immediately below and beneath the words "Secretaries of the office of the Attorney-General" as they appear therein at the end of the definition of "covered employment".

Approved July 15, 1953.

**CHAPTER 413****RELATING TO CRIMES****AN ACT TO AMEND CHAPTER 1, TITLE 11, DELAWARE CODE OF 1953, ENTITLED "CRIMES" BY DEFINING HABITUAL CRIMINAL AND PROVIDING THE PENALTY THEREFOR.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Chapter 1, Title 11, Delaware Code of 1953 is amended by adding the following new section:

**§ 107. Habitual criminal; fourth offense; life sentence may be imposed**

Any person who has been three times convicted of a felony under the laws of this State, and/or any other State, United States or any territory of the United States, and who shall thereafter be convicted of a subsequent felony of this State is hereby declared to be a habitual criminal, and the Court in which such fourth or subsequent conviction is had, in imposing sentence, may, in its discretion, impose a life sentence upon the person so convicted.

Approved July 15, 1953.

## CHAPTER 414

## PROVIDING FOR PROTECTION OF BEACH AT LEWES

**AN ACT TO PROVIDE FOR PROTECTING THE BEACH OR STRAND OPPOSITE, IN FRONT OF, OR NEAR THE TOWN OF LEWES, ALONG THE DELAWARE BAY SHORE, IN SUSSEX COUNTY, DELAWARE FROM EROSION.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The State Highway Department is authorized and directed to provide, erect, construct and build such groins, jetties, banks, dikes, and/or bulkheads along the beach or strand opposite, in front of, or near the Town of Lewes, along the Delaware Bay Shore in Sussex County, Delaware, as in the judgment of said Department may be necessary to protect the same from erosion by the waters of the Delaware Bay.

Section 2. A sum not in excess of Twenty-five Thousand (\$25,000.00) Dollars is hereby appropriated for such purposes, and the State Treasurer is hereby directed to pay the same upon proper voucher drawn from time to time by the State Highway Department for purposes hereinbefore set forth.

Section 3. In the event that all or any part of said sum of Twenty-five Thousand (\$25,000.00) Dollars shall remain unexpended on June 30, 1953, or on June 30, 1954, it shall not revert to the General Fund of the State Treasury, but shall remain available for said purposes up to and including June 30, 1955.

Section 4. This Act shall be known as a Supplementary Appropriation Act and the monies hereby appropriated shall be paid out of the General Fund of the State Treasury from funds not otherwise appropriated.

Approved July 15, 1953.

## CHAPTER 415

### PLANNING COMMISSIONS

**AN ACT TO AMEND TITLE 22, DELAWARE CODE OF 1953, BY ADDING THERETO A NEW CHAPTER ENTITLED "PLANNING COMMISSIONS" AND OUTLINING THE POWERS AND DUTIES THEREOF AND PROVIDING FOR THE PREPARATION AND ADOPTION OF A "COMPREHENSIVE DEVELOPMENT PLAN" FOR CITIES AND TOWNS; TO PROVIDE FOR HEARINGS; AND FURTHER TO PROVIDE FOR THE RECORDING OF THE OFFICIAL CITY AND TOWN MAP AND AMENDMENTS THEREOF.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of each Branch thereof concurring therein):*

Section 1. Title 22, Delaware Code of 1953, is amended by adding a new chapter to Title 22, known as Chapter 7, entitled "Planning Commissions" and by adding the necessary new sections beginning with Section 701:

### CHAPTER 7. PLANNING COMMISSION

#### **§ 701. Establishment of Planning Commission; membership**

Any incorporated city or town may at any time establish a planning commission under the terms of this Chapter. A planning commission established hereunder shall consist of not less than five, nor more than nine members. Such members shall in cities be appointed by the mayor, subject to confirmation by the city council, and in towns where there is not a mayor shall be elected by the town commissioners. When a planning commission is first established the members thereof shall be appointed or elected for terms of such length and shall be so arranged that the term of at least one member shall expire each year; and their successor shall be appointed or elected for terms of three to five years each. Any member of the planning commission so established in a city may be removed for cause after a public



hearing by the mayor with the approval of city council; members of the planning commission elected by town commissioners shall be removed by them for cause after a public hearing by a majority vote. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term in a city in the same manner as an original appointment and in a town by the town commissioners. Such a planning commission shall elect annually, a chairman and a secretary from among its own number, and may employ experts, clerical and other assistants. It may appoint a custodian of its plan and records who may be the city engineer or town clerk.

#### **§ 702. Comprehensive development plan**

A planning commission established in any incorporated city or town under this Chapter shall make a comprehensive development plan for the development of the entire area of such city or town or of such part or parts thereof as said commission may deem advisable. Such comprehensive development plan shall show, among other things, existing and proposed public ways, streets, bridges, tunnels, viaducts, parks, parkways, playgrounds, sites for public buildings and structures, pierhead and bulkhead lines, waterways, routes of railroads and buses, locations of sewers, watermains, and other public utilities, and other appurtenances of such a plan, including certain private ways. Such plan shall be adopted, and may be added to or changed from time to time, by a majority vote of such planning commission and shall be a public record.

#### **§ 703. General studies and reports**

The planning commission shall have full power and authority to make such investigations, maps, and reports of the resources, possibilities, and needs of the city or town as it deems desirable, providing the total expenditures of said commission shall not exceed the appropriation for its expenses. Upon completion of any such reports the planning commission shall submit the same to the city council or town commissioners with its recommendations. It shall report annually to the city council or town commissioners on the activities of the planning commission during the preceding year.

**§ 704. Adoption of official map**

Each incorporated city or town established under the provisions of this Chapter may, by action of its city council or town commissioners, adopt an official map prepared under the direction of such planning commission and showing the public ways and parks therein as theretofore laid out and established by law and the private ways then existing and used in common by more than two owners. Such official map is hereby declared to be established to conserve and promote the public health, safety and general welfare. Upon the adoption of such a map, and upon any change therein or addition thereto made, as hereinafter provided, the city or town clerk shall forthwith file with the Recorder of Deeds in the respective counties a certificate of such action and a copy of such map as adopted or as changed or added to.

**§ 705. Change of or addition to official map**

An incorporated city or town so adopting an official map by action of its city council or town commissioners may, whenever and as often as it may deem it for the public interest, change or add to such map, so as to place thereon lines and notations showing existing or proposed locations not theretofore mapped of new or widened public ways and new or enlarged parks and proposed discontinuances in whole or in part of existing or mapped public ways and parks. No such change or addition shall become effective until after a public hearing in relation thereto before the city council or town commissioners, at which parties in interest shall have an opportunity to be heard. At least ten days' notice of such a public hearing shall be given by advertisement in a newspaper of general circulation in the city or town or in the county in which the city or town is located. No such change or addition which has not been previously recommended by the planning commission established by the provisions of this act shall be adopted until after a report thereon by said commission and no variance from a plan prepared or approved by said planning commission shall be made except by a two-thirds vote of all the members of a city council or by a two-thirds vote of the town commissioners; provided that the

last mentioned requirement shall be deemed to be waived in case the matter has been referred to said commission for a report and it has failed to report within thirty days thereafter.

**§ 706. Effect of the provisions of this act over public ways and parks**

The provisions of this Chapter shall not abridge the powers of the city council or the town commissioners of any town or any other municipal officer in regard to public ways or parks in any manner except as provided herein, nor shall they authorize the taking of land or the laying out or construction of a way or a park or the alteration, relocation, or discontinuance thereof, except in accordance with the laws governing the same; provided that, after an incorporated city and/or town has adopted an official map under the provisions of this Chapter, no public way shall be laid out, altered, relocated or discontinued, if such laying out, alteration, relocation, or discontinuance is not in accordance with such official map as it then appears, unless the proposed laying out, alteration, relocation, or discontinuance has been referred to the planning commission of such city or town established under the provisions of this Chapter and such planning commission has reported thereon, or has allowed forty-five days to elapse after such reference without submitting its report. After a city or town has adopted an official map under the provisions of this Chapter, no person shall open a way for public use, except as provided under the sections of this Chapter, unless the location of such way is in accordance with the official map as it then appears, or has been approved by the planning commission established under the provisions of this Chapter, and, in either case, the grading, surfacing and draining of such way have been approved by such commission or by the city or town engineer.

**§ 707. Establishment of public way or park to be shown on official map**

Upon final action by the proper authorities in laying out, altering or relocating a proper way, or in the discontinuing the whole or any part thereof, or in establishing or enlarging a public park or closing thereof in whole or in part, the lines and

notations showing such improvement, discontinuance or closing, as so established or effected, shall, without further action by the City Council or town commissioners, be made a part of the official map, if any, of the incorporated city or town in which such public way or park is located.

**§ 708. Reference of certain matters to Planning Commission**

In a city or town having a planning commission established under the provisions of this Chapter but which has not adopted an official map, no public way shall be laid out, altered, relocated or discontinued unless the proposed laying out, alteration, relocation or discontinuance has been referred to the planning commission of such city or town and such commission has reported thereon or has allowed forty-five days to elapse after such reference without submitting its report. Any city or town having a planning commission established under this Chapter may, by ordinance, by-law or vote, provide for the reference of any other matter or class of matters to the planning commission before final action thereon with or without provision that final action shall not be taken until the planning commission has submitted its report or has had a reasonable fixed time to submit such report. Such planning commission shall have full power to make such investigations, maps and reports and recommendations in connection therewith, relating to any of the subjects referred to under this section, as it deems desirable.

**§ 709. Entry upon lands; making examinations and surveys**

Planning commissions established under the provisions of this Chapter, their officers and agents, may, so far as they deem it necessary in carrying out the provisions of this Chapter, enter upon any lands and there make examinations and surveys, and place and maintain monuments and marks.

**§ 710. Jurisdiction to enforce law, ordinances or by-laws**

The Court of Chancery for the State of Delaware shall have jurisdiction on petition of the planning commission established hereunder to enforce any of the provisions of this Chapter

and any ordinance or by-laws made thereunder and may restrain by injunction violations thereof.

**§ 711. Powers and liabilities not conferred or imposed**

The provisions of this Chapter shall not be construed to authorize the taking of land nor the authorization of a city or town to lay out or construct any way which may be indicated on any plan or plot until such way has been laid out as a public way in the manner prescribed by law; nor shall any of the provisions of this Chapter be construed to render a city or town liable for damages except as may be sustained under Section 705 of this Chapter by reason of changes in the official map.

**Section 2. Effective date**

The effective date of this Act shall be July 1, 1953.

Approved July 15, 1953.

## CHAPTER 416

## RELATING TO DEAF, CRIPPLED AND BLIND PERSONS

**AN ACT TO AMEND THE DELAWARE CODE OF 1953 IN RESPECT TO DEAF, CRIPPLED AND BLIND PERSONS AND TO TRANSFER CERTAIN APPROPRIATIONS TO APPROPRIATE AGENCIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Subchapter 6, Chapter 3, Title 31, Delaware Code of 1953 is repealed.

Section 2. Chapter 31, Title 14, Delaware Code of 1953 is amended by adding thereto the following new sections:

**§ 3106. Special duties regarding deaf persons**

The State Board of Education is designated as the agency for the care and education of deaf persons of the State. Its duties in this connection shall be in addition to any other duties which it may have in regard to deaf persons.

**§ 3107. Trustee for deaf persons; payment of board and tuition; limitation**

The State Board of Education is the trustee for deaf persons who may be maintained and instructed in any institutions in this State or elsewhere. It shall pay the institutions for the board, maintenance and instruction of such deaf persons but the amount so paid shall not be greater than the sum paid by or for other persons in the same institution.

Section 3. For the purposes of carrying out its duties under this act there is allotted to the State Board of Education two-thirds of any funds appropriated to the Governor by the 117th General Assembly for "Blind and deaf wards of the State". The other one-third of any such appropriation is allocated to the

Delaware Commission for the Blind. The sums allocated by this act shall be paid to the Delaware Commission for the Blind and the State Board of Education as if originally appropriated to those State agencies for the blind and deaf wards of the State.

Approved July 15, 1953.

## CHAPTER 417

### RELATING TO HEALTH AND SAFETY

#### **AN ACT TO AMEND TITLE 16, DELAWARE CODE OF 1953, ENTITLED "HEALTH AND SAFETY" BY ADDING A NEW CHAPTER THERETO RELATING TO THE ESTABLISHMENT OF WATER AND/OR SEWER AUTHORITIES, A POLITICAL SUB-DIVISION OF THE STATE.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each House concurring therein):*

Section 1. Title 16, Delaware Code of 1953 is amended by adding a new chapter thereto to be known as Chapter 14, as follows:

## CHAPTER 14

### WATER AND/OR SEWER AUTHORITIES

#### **§ 1401. Definitions**

As used in this chapter—

"Authority" means a body politic and corporate created pursuant to this chapter, or, if such body politic and corporate shall be abolished, the board, body or commission succeeding to the principal functions thereof or to which the powers given by this chapter to such body politic and corporate shall be given by law.

"Board" means the governing body of an Authority.

"Bonds" means and include notes, bonds, and other evidences of indebtedness or obligations which each Authority is authorized to issue pursuant to section 1408 of this chapter.

"Cost" as applied to a water system or a sewerage system includes the purchase price of any such system or the cost of acquiring all of the capital stock of the corporation owning such system and the amount to be paid to discharge all of its



obligations in order to vest title to the system or any part thereof in the Authority, the cost of improvements, the cost of all lands, properties, rights, easements, franchises, and permits acquired, the cost of all machinery and equipment, financing charges, interest prior to and during construction and for one year after completion of construction, cost of engineering and legal services, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to the determining of the feasibility or practicability of any such acquisition, improvement, or construction, administrative expenses, and such other expenses as may be necessary or incident to the financing herein authorized, to the acquisition, improvement, construction of a water system or a sewerage system and the placing of the same in operation by the Authority prior to the issuance of revenue bonds under the provisions of this chapter for engineering studies and for estimates of cost and of revenues and for other technical or professional services which may be utilized in the acquisition, improvement or construction of such system, may be regarded as a part of the cost of such system.

"Federal agency" means and includes the United States of America, any department or bureau thereof, and any agency or instrumentality of the United States of America heretofore established or which may be established or created hereafter.

"Governing body" as applied to any municipality means the body or board authorized by law to enact ordinances or adopt resolutions for the particular municipality.

"Improvements" means such construction, erection, repairs, replacements, additions, extensions and betterments of and to a water system or a sewerage system as are deemed necessary by the Authority to place or to maintain such system in proper condition for the safe, efficient and economic operation thereof or to meet requirements for service in areas which may be served by the Authority and in which no existing service is being rendered.

"Municipality" means any county, city, town, village, sanitary district or other political sub-division of this State.

"Project" means any water system, sewer system, and any combination or part or parts thereof owned, constructed or operated by an Authority under the provisions of this chapter.

"Sewage" means the water carried wastes created in and carried, or to be carried away from residences, hotels, schools, hospitals, industrial establishments, commercial establishments or any other private or public building, together with such household and industrial wastes as may be present.

"Sewerage system" means and includes all plants, systems, facilities or properties used or useful or having the present capacity for future use in connection with the collection, carrying away, treating, neutralizing, stabilizing or disposal of sewage, industrial wastes or other wastes, and any integral part thereof, including sewage treatment plants, disposal fields, lagoons, pumping stations, drainage ditches, surface water intercepting ditches, outfall sewers, trunk sewers, intercepting sewers, lateral sewers, force mains, pipes, pipe lines, conduits, equipment, appurtenances, and all properties, rights, easements and franchises relating thereto and deemed necessary or convenient by the Authority for the operation thereof.

"Water system" means and includes all plants, systems, facilities or properties used or useful or having the present capacity for future use in connection with the supply or distribution of water, and any integral part thereof, including water supply systems, water distribution systems, reservoirs, dams, wells, intakes, mains, laterals, pumping stations, standpipes, filtration plants, purification plants, hydrants, meters, valves and equipment, appurtenances, and all properties, rights, easements and franchises relating thereto and deemed necessary or convenient by the Authority for the operation thereof.

#### **§ 1402. General referendum**

(a) After a favorable, simple majority general referendum vote in the area affected, the governing body of a municipality may, by ordinance or resolution, or the governing bodies of two or more municipalities may by ordinances or resolutions, signify their intention to create an Authority to acquire, con-

struct, reconstruct, extend, repair, improve, maintain and operate a project under an appropriate name and title, containing the word "Authority", which shall be a public body politic and corporate.

(b) Each such ordinance or resolution shall include articles of incorporation which shall set forth:

(1) The name of the "Authority".

(2) a statement that such Authority is formed under this chapter.

(3) the name of the incorporating municipality or municipalities.

(4) the names, addresses and terms of office of the first members of the Board of said Authority, and if the governing body of the municipality determines that its members shall constitute the Board of said Authority, a statement to that effect.

(5) the purpose or purposes for which the Authority is to be created or is created.

(c) The articles of incorporation shall be executed by each incorporating municipality by its proper officers and shall be filed with the Secretary of State, who shall receive the same and endorse thereon the date and time of such receipt. If the Secretary of State finds that the articles of incorporation conform to law, he shall forthwith endorse his approval thereon and issue a certificate of approval to which shall be attached a copy of the approved articles. Upon the issuance of such certificate of approval by the Secretary of State, the corporate existence of said Authority shall begin, and thereupon such Authority shall be conclusively deemed to have been lawfully and properly created and established and authorized to exercise its powers under this chapter. Promptly thereafter the said Secretary of State shall record said articles of incorporation, together with the endorsements thereon, in a book to be kept for that purpose.

(d) When the Authority has been organized and its officers elected, the secretary shall certify to the Secretary of State the names and addresses of its officers, as well as the principal office of the Authority. Any change in the location of the principal office shall likewise be certified to the Secretary of State within ten days after such change.

#### **§ 1403. Authorities may amend articles of incorporation**

Every Authority of this State may, from time to time, and in the manner hereinafter provided, amend its articles of incorporation and thereby accomplish any one or more of the following: the adoption of a new name; and changes in, additions to, and diminutions of its powers and purposes, provided that such amendment shall contain only such provisions as it would be lawful or proper to insert in articles of incorporation made at the time of such amendment.

#### **§ 1404. Municipalities may withdraw; when**

(a) Whenever an Authority has been incorporated by two or more municipalities, any one or more of such municipalities may withdraw therefrom, and any municipality not having joined in the original incorporation may join in the Authority, but no municipality shall be permitted to withdraw from any Authority after an obligation has been incurred by the Authority.

(b) Any municipality wishing to withdraw from or to become a member of an existing Authority shall signify its desire by resolution or ordinance after an enabling referendum. If the Authority shall by resolution express its consent to such withdrawal or joining, articles of withdrawal or articles of joinder, as the case may be, shall be executed by the proper officers of the withdrawing or incoming municipality and shall be joined by the proper officers of the governing body of the Authority, and in the case of a municipality seeking to become a member of the Authority, also by the proper officers of each of the municipalities that are then members of the Authority, pursuant to resolutions or ordinances by the governing bodies of such municipalities. In the case of a certificate of joinder, the certificate shall set forth all of the information required

in the case of original incorporation insofar as it applies to the incoming municipality, including the name and address and term of office of the first member of the Board of the Authority from the incoming municipality. Articles of withdrawal and articles of joinder shall be filed with the Secretary of State, who shall receive the same and endorse thereon the date and time of such receipt. If the Secretary of State finds that the articles of withdrawal or articles of joinder, as the case may be, conform to law, he shall forthwith endorse his approval thereon and issue a certificate of approval to which shall be attached a copy of the approved articles. Upon the issuance of such certificate of approval by the Secretary of State, said articles of withdrawal or articles of joinder, as the case may be, shall become effective and be in full force and effect, and such articles shall be conclusively deemed to have been lawfully and properly adopted. Promptly after the issuance of a certificate of approval the Secretary of State shall record the articles of withdrawal or articles of joinder, as the case may be, together with the endorsements thereon, in the book kept by it for the purpose of recording articles of incorporation.

**§ 1405. Powers of authority; exercise by governing body**

The powers of each Authority shall be exercised by a governing body (herein called the "Board") composed as follows:

(1) If the Authority is incorporated by one municipality the Board shall be composed of the members of the governing body of the municipality creating the Authority or shall be composed of five citizens of such municipality, as the governing body of such municipality shall determine. If the governing body of the municipality creating the Authority determines that the said Board shall be composed of the members of said governing body, the terms of office of the members of said Board shall coincide with their terms of office as members of governing body and any member of said governing body shall automatically be a member of said Board and shall cease to be a member of said Board upon ceasing to be a member of said governing body. If the governing body of the municipality creating an Authority shall determine that the Board shall consist of five citizens the governing body of such municipality

shall appoint the members of the Board, whose terms of office shall commence on the date of appointment, and one of whom shall serve for one year, one for two years, one for three years, one for four years, and one for five years from the January first next succeeding the date of incorporation, and thereafter the said governing body shall, at a meeting held not later than one month prior to January first in each year in which a vacancy occurs, appoint as a member of the Board a citizen of the municipality for which the Authority is created, for a term of five years, to succeed the member whose term expires on the January first next succeeding.

(2) If the Authority is incorporated by two or more municipalities, the Board shall consist of a number of members at least equal to the number of municipalities incorporating the Authority; but in no event less than five. When one or more additional municipalities join an existing Authority, each of such joining municipalities shall have one member on the Board. The first of such members shall be appointed immediately upon the admission of the municipality into the Authority for a full term of years equal to that fixed for the other members of the Board. The members of the Board shall be appointed, their terms staggered, and vacancies filled, and where the number of municipalities joining is less than five, shall be apportioned in such manner as the articles of incorporation shall provide. No member shall be appointed for a term longer than five years.

Members of the Board who are not members of the governing body of the municipality or municipalities composing the Authority shall hold office until their successors have been appointed, and may succeed themselves, and shall receive such salaries as may be determined by the governing body or bodies of the municipality or municipalities, but none of such salaries shall be increased or diminished by such governing body or bodies during the term for which the member receiving the same shall have been appointed. Members of the Board who are members of the governing body of a municipality shall serve as Board members without pay. If a vacancy shall occur by reason of the death, disqualification, resignation or removal of an appointed member, the governing body of the municipality shall appoint a successor to fill his unexpired

term. In joint Authorities such vacancies shall be filled by the governing body of the municipality in the representation of which the vacancy occurs. Whenever any municipality shall withdraw from a joint Authority the term of any member or members appointed from such municipality shall immediately terminate.

A majority of the members shall constitute a quorum of the Board for the purpose of organizing the Authority and conducting the business thereof and for all other purposes, and all action may be taken by vote of a majority of the members present, unless in any case the by-laws shall require a larger number. The Board shall have full authority to manage the properties and business of the Authority and to prescribe, amend and repeal by-laws, rules, and regulations governing the manner in which the business of the Authority may be conducted, and the powers granted to it may be exercised and embodied. The Board shall fix and determine the number of officers, agents and employees of the Authority and their respective powers, duties and compensation and may appoint to such office or offices any members of the Board with such powers, duties and compensation as the Board may deem proper.

Every such officer appointed shall be adequately bonded.

Each Authority shall keep a complete and true record of its receipts, expenses and expenditures and shall employ a certified or licensed public accountant to audit its books and accounts. Each Authority shall always keep available and open to public inspection during business hours, at its principal office, a detailed audit and financial statement of its accounts. Each Authority shall file annually with the governing body or governing bodies of the municipality or municipalities composing the Authority a certified copy of such detailed audit and financial statement. The governing body of the municipality composing an Authority, or in the case of an Authority composed of two or more municipalities, the governing body of each such municipality, may at any time in person or by its duly authorized agent or agents audit and examine the books and records of such Authority: provided, however that such audit or examination shall be without cost to said Authority.

**§ 1406. Authority created to provide for public health and welfare**

Each Authority created hereunder shall be deemed to be an instrumentality exercising public and essential governmental functions to provide for the public health and welfare and shall be for the purpose of acquiring, holding, constructing, reconstructing, repairing, improving, maintaining and operating, owning, leasing, either in the capacity of lessor lessee, a project or projects within or partly within and partly without one or more of the municipality or municipalities by action of whose governing body or governing bodies the Authority was created.

Every Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out the aforesaid purposes, including but without limiting the generality of the foregoing, the following rights and powers:

(1) To have existence for a term of fifty years as a corporation.

(2) To adopt by-laws for the regulation of its affairs and the conduct of its business.

(3) To adopt an official seal and alter the same at pleasure.

(4) To maintain an office at such place or places as it may designate.

(5) To appoint officers, agents, employees and servants, to prescribe their duties and to fix their compensation.

(6) To sue and be sued.

(7) To acquire, purchase, hold, lease as lessee and use any franchise, property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Authority and to sell, lease as lessor, transfer and dispose of any property or interest therein at any time acquired by it.



(8) To acquire by gift, purchase or the exercise of the right of eminent domain lands or rights in land or water rights in connection therewith; provided, however, that no property or any interest therein owned by any county, city, town or other political subdivision of the State shall be acquired by the exercise of the power of eminent domain without the consent of the governing body of such county, city, town or political subdivision.

(9) To issue revenue bonds of the Authority, payable solely from revenues, for the purpose of paying all or a part of the cost of any one or more projects, and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any part of its revenues, and to make such agreements with the purchasers or holders of such bonds, or with others in connection with any such bonds, whether issued or to be issued, as the Authority may deem advisable, and in general, to provide for the security for said bonds and the rights of the holders thereof.

(10) To combine any water system and any sewerage system as a single system for the purpose of operation and financing.

(11) To fix, alter, charge and collect rates, fees and charges for the use of or for the services furnished by its systems and each of them for the purpose of providing for the payment of the expenses of the Authority, the construction, reconstruction, extension, repair, improvement, maintenance and operation of its facilities and properties, the payment of the principal of and interest on its bonds, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any of its bonds, or with the municipality or municipalities incorporating, or the municipalities which are members of, said Authority or with any municipality served or to be served by said Authority; said rates, fees and charges to be at reasonable and uniform rates to be determined exclusively by the Authority. Any person questioning the reasonableness or uniformity of any rate, fee or charge fixed by an Authority may bring suit against the Authority.

(12) To enter into contracts with the Federal Government, the State of Delaware, or any agency or instrumentality thereof, or with any municipality, private corporation, copartnership, association, or individual providing for or relating to the furnishing of services and facilities of any project of the Authority or in connection with the services and facilities rendered by any water system or sewerage system owned or controlled by the Federal Government or the State of Delaware, any agency or instrumentality thereof, and any municipality, private corporation, copartnership, association or individual.

(13) To contract with any municipality, county, corporation, individual or any public Authority of this or any adjoining state, on such terms as the said Authority shall deem proper, for the construction and operation of any project which is partly in this State and partly in such adjoining state.

(14) To make and enter into all contracts or agreements, as the Authority may determine, which are necessary or incidental to the performance of its duties and to the execution of the powers granted by this chapter, including contracts with any Federal agency or with any municipality, on such terms and conditions as the Authority may approve, relating to (I) the use by such agency or by such municipality or the inhabitants thereof of any project acquired or constructed by the Authority under this subsection or the services therefrom or the facilities thereof, or (II) the use by the Authority of the services or facilities of any water system, or sewerage system owned or operated other than by the Authority. Any such contract shall be subject to such provisions, limitations or conditions as may be contained in the resolution of the Authority authorizing revenue bonds of the Authority or the provisions of any trust agreement securing such bonds. Any such contract may provide for the collecting of fees, rates or charges for the services and facilities rendered to a municipality or to the inhabitants thereof, by such municipality or by its agents or by the agents of the Authority, and for the enforcement of delinquent charges for such services and facilities. The provisions of any such contract and of any ordinance or resolution of the governing body of a municipality enacted pursuant thereto

shall be irrevocable so long as any of the revenue bonds issued under the authority of this chapter shall be outstanding and unpaid, and the provisions of any such contract, and of any ordinance or resolution enacted pursuant thereto shall be and be deemed to be for the benefit of such bondholders. The aggregate of any fees, rates or charges which shall be required to be collected pursuant to any such contract or any ordinance or resolution enacted thereunder shall be sufficient to pay all obligations which may be assumed by the other contracting party.

(15) To enter upon, use, occupy, and dig up any street, road, highway or private or public lands necessary to be entered upon, used or occupied in connection with the acquisition, construction or improvement, maintenance or operation of a project, subject, however, to such reasonable local police regulation as may be established by the governing body of any municipality having jurisdiction in the particular respect.

(16) To receive and accept from any Federal agency grants for or in aid of the construction, acquisition or operation of any project, and to receive and accept aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made.

(17) To charge a reasonable tapping fee whenever the owner of any property connects such property with a water or sewer system operated by the Authority which fee shall be in addition to any rental or use charges assessed by the Authority.

(18) In the event of any annexation by a municipality not a member of the Authority of lands, areas, or territory served by the Authority, to continue to do business, exercise its jurisdiction over its properties and facilities in and, upon or over such lands, areas or territory as long as any bonds or indebtedness remain outstanding or unpaid, or any contracts or other obligations remain in force.

#### **§ 1407. Limits of powers**

None of the powers granted by this chapter shall be exercised in the construction, improvement, maintenance, extension

or operation of any project or projects which in whole or in part shall duplicate or compete with existing utilities, public or private, serving substantially the same purposes. The municipality or municipalities organizing such an Authority may, in the resolution or ordinance signifying their intention so to do, or from time to time by subsequent resolution or ordinance, specify the project or projects to be undertaken by the said Authority, and no other projects shall be undertaken by the said Authority than those so specified. If the municipality or municipalities organizing an Authority fail to specify the project or projects to be undertaken, then the Authority shall be deemed to have all the powers granted by this chapter.

No municipality which shall have created an Authority under the provisions of this chapter shall thereafter create any other Authority serving the whole or any part of the same area. No municipality which shall have joined with any other municipality or municipalities in the creation of any Authority under the provisions of this chapter shall thereafter create or join in the creation of any other Authority unless such other municipality or municipalities shall consent thereto by ordinance or resolution after a general referendum.

#### **§ 1408. Authority may issue revenue bonds**

Each Authority created under the provision of this chapter is hereby authorized to provide by resolution of its Board, at one time or from time to time, for the issuance of revenue bonds of the Authority for the purpose of paying the whole or any part of the cost of any project. The principal of and the interest on such bonds shall be payable solely from the funds herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding five per cent per annum, shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the Authority, and may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The Authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination or denominations of

the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid, and sufficient for all purposes the same as if he had remained in office until such delivery. All revenue bonds issued under the provisions of this chapter shall have and are hereby declared to have, as between successive holders, all the qualities and incidents of negotiable instruments under the negotiable instruments law of the State of Delaware. The bonds may be issued in coupon or in registered form, or both, as the Authority may determine and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The issuance of such bonds shall not be subject to any limitations or conditions contained in any other law, and the Authority may sell such bonds in such manner, either at public or at private sale, and for such price, as it may determine to be for the best interests of the Authority and the municipality to be served thereby, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than five per cent per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding, however, from such computation the amount of any premium to be paid on the redemption of any bonds prior to maturity.

The proceeds of such bonds shall be used solely for the payment of the cost of the project or projects on account of which such bonds are issued and shall be disbursed in such manner and under such restrictions, if any, as the Authority may provide in the authorizing resolution or in the trust agreement hereafter mentioned securing the same. If the proceeds of such bonds, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the authorizing resolution or in the trust agreement securing the same, shall be deemed to be of the same issue and

shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose. If the proceeds of the bonds of any issue shall exceed the amount required for the purpose for which such bonds shall have been issued, the surplus shall be deposited to the credit of the reserve account or sinking fund for such bonds.

Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds which shall become mutilated or be destroyed or lost. Bonds may be issued under the provisions of this chapter without obtaining the approval or consent of any department, division, commission, board, bureau or agency of the State of Delaware, and without any other proceeding or the happening of any other condition or thing than those proceedings, conditions or things which are specifically required by this chapter.

The resolution providing for the issuance of revenue bonds of the Authority, and any trust agreement securing such bonds, may contain such limitations upon the issuance of additional revenue bonds as the Authority may deem proper and such additional revenue bonds shall be issued under such restrictions and limitations as may be prescribed by such resolution or trust agreement.

**§ 1409. Bonds shall not constitute a pledge of the faith and credit of the State**

Revenue bonds issued under the provisions of this chapter shall not be deemed to constitute a pledge of the faith and credit of the State of Delaware or of any political subdivision thereof. All such bonds shall contain a statement on their face substantially to the effect that neither the faith and credit of the State of Delaware nor the faith and credit of any county, city, town or other sub-division of the State of Delaware are pledged to the payment of the principal of or the interest on such bonds. The issuance of revenue bonds under the provisions of this chapter shall not directly or indirectly or contingently obligate the State

of Delaware or any county, city, town or other sub-division of the State to levy any taxes whatever therefor or to make any appropriation for their payment except from the funds pledged under the provisions of this chapter.

**§ 1410. The projects created under Authority shall be exempt from the taxes of the State**

No Authority shall be required to pay any taxes or assessments upon any project acquired, constructed or operated by it under the provisions of this chapter or upon the income therefrom, and the bonds issued under the provisions of this chapter, their transfer and the income therefrom (including any profit made on the sale thereof) shall at all times be free from taxation by the State of Delaware or any of its political subdivisions, or by any town or incorporated municipality or any other public agency within the State.

**§ 1411. Fixed charges; establishment thereof**

The rates, fees and charges of each Authority in connection with each project shall be so fixed and revised as to provide funds, with other funds available for such purposes, sufficient at all times (1) to pay the cost of maintaining, repairing and operating the project on account of which the Authority shall have issued revenue bonds as authorized by this chapter including reserves for such purposes and for replacement and depreciation and necessary extensions, (2) to pay the principal of and interest on the revenue bonds as the same shall become due and payable and to create reserves and provide a margin of safety for such purposes, and (3) to fulfill the terms and provisions of any agreements made with the purchasers or holders of any of its bonds, or with the municipality or municipalities incorporating, or the municipalities which are members of, said Authority, or with any municipality served or to be served by said Authority.

Any Authority may fix rates, fees and charges for the services and facilities of its water system sufficient to pay all or any part of the cost of maintaining, repairing, and operating its sewerage system and all or any part of the principal of and interest on revenue bonds issued on account of such sewer-

age system, and to pledge any surplus revenues of its water system, subject to prior pledges thereof, for such purpose or purposes. Rates, fees and charges for the services of a sewerage system may be based or computed either upon the quantity of water used or upon the amount of the water bill or upon the number and size of sewer connections or upon the number and kind of plumbing fixtures in use in the premises connected with the sewerage system or upon the number or average number of persons residing or working in or otherwise connected with such premises or upon the type or character of such premises or upon any other factor affecting the use of the facilities furnished or upon any combination of the foregoing factors. Charges for sewerage services to premises obtaining all or a part of their water supply from sources other than public water system may be determined by gauging or metering or in any other manner approved by the Authority. All other rates, fees and charges of the Authority shall be based or computed upon such factor or factors as the Authority shall deem reasonable and proper.

In cases where the character of the sewage or waste from any manufacturing, commercial or industrial plant, building or premises is such that it imposes an unreasonable burden upon any sewerage system, an additional charge may be made therefor, or the Authority may, if it deems advisable, compel such manufacturing, commercial or industrial plant, building or premises to treat such sewage or waste in such manner as shall be specified by the Authority before discharging such sewage or waste into any sewerage system owned, operated or maintained by such Authority.

Every municipality composing an Authority operating a sewerage system is hereby authorized and required, at the request of such Authority, to supply to such Authority, on or before the fifteenth day of the month following the month during which water bills are issued by such municipality, a list of all water meter readings forming the basis of such bills and/or a statement of the amount of such bills so that such data may be used by such Authority in calculating or computing its rates, fees and charges for sewer services to such water consumer.



**§ 1412. Revenue bonds will be secured by a trust agreement**

In the discretion of the Authority, any revenue bonds issued under the provision of this section may be secured by a trust agreement by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company. The resolution authorizing the issuance of the bonds or the trust agreement may pledge or assign the revenues to be received from the operation of the project or projects on account of which the bonds are issued and in the case of bonds issued to finance a sewerage system may pledge or assign as security for such bonds the revenues to be received from its water system to the extent authorized by section 1411 of this chapter, but shall not convey or mortgage any project or any part thereof, and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Authority in relation to the acquisitions, construction, improvement, maintenance, operation, repair and insurance of the project or projects on account of which such bonds are issued and provisions for the custody, safeguarding and application of all moneys and for the employment of consulting engineers in connection with such construction, reconstruction, or operation. Such resolution or trust agreement may set forth the rights and remedies of the bondholders and of the trustees in the case of a trust agreement, and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds or debentures of corporations. In addition to the foregoing, such resolution or trust agreement may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders. Except as in this chapter otherwise provided, the Authority may provide for the payment of the proceeds of the sale of the bonds and its revenues to such officer, board or depository as it may designate for the custody thereof, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out the provisions of such resolution or trust agreement may be treated as a part of the cost of operation of the project or projects.

**§ 1413. Connection with sewerage system by abutting property owners; when; under what conditions**

Upon the acquisition or construction of any sewerage system under the provisions of this chapter, the owner of each lot or parcel of land which abuts upon a street or other public way containing a sanitary sewer which is a part of or which is served or may be served by such sewerage system and upon which lot or parcel of land a building shall have been constructed for residential, commercial or industrial use, shall, if so required by the rules and regulations or a resolution of the Authority connect such building with such sanitary sewer, and shall cease to use any other method for the disposal of sewage, sewage waste or other polluting matter; provided, however, that the owner of such lot or parcel of land having a method for the disposal of sewage, sewage waste or other polluting matter constructed and operated in accordance with standards prescribed or approved by the State Board of Health shall not be required to make such connection. All such connections shall be made in accordance with rules and regulations which shall be adopted from time to time by the Authority, which rules and regulations may provide for a charge for making any such connection in such reasonable amount as the Authority may fix and establish.

**§ 1414. Trust agreement may include certain provisions**

Any resolution or trust agreement providing for the issuance of revenue bonds under the provisions of this chapter may include any or all of the following provisions, and may require the Authority to adopt such resolutions or to take such other lawful action as shall be necessary to effectuate such provisions, and the Authority is hereby authorized to adopt such resolutions and to take such other action.

(1) That the Authority may require the owner, tenant or occupant of each lot or parcel of land who is obligated to pay rates, fees or charges for the use of or for the services furnished by any project acquired, constructed, or operated by the Authority under the provisions of this chapter to make a reasonable

deposit with the Authority in advance to insure the payment of such rates, fees or charges and to be subject to application to the payment thereof if and when delinquent.

(2) That if any rates, fees or charges for the use of or for the services furnished by any project acquired, constructed or operated by the Authority under the provisions of this chapter shall not be paid within thirty days after the same shall become due and payable, the Authority may at the expiration of such thirty day period disconnect the premises from the water and/or sewer system, or otherwise suspend services and the Authority may proceed to recover the amount of any such delinquent rates, fees or charges with interest, in a civil action or by foreclosure of the lien therefor.

(3) That if any rates, fees or charges for the use and services of any sewerage system acquired, constructed or operated by the Authority under the provisions of this chapter shall not be paid within thirty days after the same shall become due and payable, the owner, tenant or occupant of such premises shall cease to dispose of sewage or industrial wastes originating from or on such premises by discharge thereof directly or indirectly into the sewerage system until such rates, fees or charges with interest, shall be paid; that if such owner, tenant or occupant shall not cease such disposal at the expiration of such thirty day period it shall be the duty of any political subdivision, district, private corporation, board, body or person supplying water to or selling water for use on such premises to cease supplying water to or selling water for use on such premises within five days after the receipt of notice of such delinquency from the Authority; and that if such political subdivision, district, private corporation, board, body or person shall not, at the expiration of such five day period, cease supplying water to or selling water for use on such premises, then the Authority may shut off the supply of water to such premises.

There shall be lien upon real estate for the amount of any fees, rents or other charges, including tapping fees, by an Authority to the owner or lessee or occupant of such real estate for the use and services for any project of the Authority by or in connection with such real estate from and after the time when such fees, rents or charges are due and payable, and for

the interest which may accrue thereon. Such lien shall be superior to the interest of any owner, lessee or occupant of such real estate.

Such lien shall not bind or affect a subsequent bona fide purchaser of such real estate for valuable consideration without actual notice of such lien, until and except from the time that the amount of such fees, rents and charges are entered in a register or registers furnished for such purpose by and at the expense of the Authority and kept in the office where deeds may be recorded in the municipality wherein the real estate or a part thereof is located. It shall be the duty of the clerk in whose office deeds may be recorded to keep and preserve and hold available for public inspection any such register which may be delivered to him by the Authority and cause entries to be made and indexed therein from time to time upon certification by the Authority for which he shall be entitled to a fee of five cents per entry to be paid by the Authority and added to the amount of the lien.

Such lien on any real estate may be discharged by the payment to the Authority of the total amount of such lien, and the interest which may accrue to the date of such payment, and it shall be the duty of the Authority to deliver a certificate thereof to the person paying the same, and upon presentation thereof, the clerk having the record of such lien shall mark the entry of such lien satisfied without further fee.

**§ 1415. All monies received deemed to be trust funds**

All monies received pursuant to the Authority of this chapter, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds, to be held and applied solely as provided in this chapter. The resolution or trust agreement providing for the issuance of revenue bonds of the Authority shall provide that any officer to whom, or any bank, trust company or other fiscal agent to which, such monies shall be paid shall act as trustees of such monies and shall hold and apply the same for the purposes hereof, subject to such regulations as such resolution or trust agreement may provide.

**§ 1416. Holder of bonds may be restricted by the resolution or trust agreement; rights of**

Any holder of revenue bonds issued by an Authority under the provisions of this chapter or any of the coupons appertaining thereto and the trustee under any trust agreement, except to the extent the rights herein given may be restricted by the resolution or trust agreement providing for the issuance of such bonds may either at law or in equity, by suit, mandamus or other proceeding protect and enforce any and all rights under the laws of Delaware or granted hereunder or under such resolution or trust agreement, and may enforce and compel the performance of all duties required by this chapter or by such resolution or trust agreement to be performed by the Authority or by an officer thereof, including the fixing, charging and collecting of rates, fees and charges for the use of or for the services furnished by any project.

**§ 1417. Authority may provide for the issuance of revenue refunding bonds**

Each Authority created hereunder is hereby authorized to provide by resolution for the issuance of revenue refunding bonds of the Authority for the purpose of refunding any revenue bonds outstanding and issued under the provisions of this chapter. Each such Authority is further authorized to provide by resolution for the issuance of a single issue of revenue bonds of the Authority for the combined purposes of (1) paying the cost of any project, or the improvement extension, addition or reconstruction thereof, and (2) refunding revenue bonds of the Authority which shall theretofore have been issued under the provisions of this chapter and shall then be outstanding and which shall then have matured or be subject to redemption or can be acquired for retirement. The issuance of such bonds, the maturities and other details thereof, the rights and remedies of the holders thereof, and the rights, powers, privileges, duties, and obligations of the Authority with respect to the same, shall be governed by the foregoing provisions of this chapter in so far as the same may be applicable.

**§ 1418. Bonds accredited for investment purposes**

Bonds issued under the provisions of this chapter are hereby made securities in which all public officers and public agencies of the State and its political subdivisions, and all banks, trust companies, savings and loan associations, investment companies and others carrying on a banking business, all insurance companies and insurance associations and others carrying on an insurance business, all administrators, executors, guardians, trustees and other fiduciaries, and other persons may legally and properly invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any State or municipal officer or any agency or political subdivision of the State for any purpose for which the deposit of bonds or other obligations of the State is now or may hereafter be authorized by law.

**§ 1419. Municipality authorized to transfer interest**

Notwithstanding any contrary provision of law, any municipality is hereby authorized and empowered to transfer jurisdiction over, to lease, lend, grant, sell or convey to any Authority upon the request of such Authority, with or without consideration, any facilities or any right or interest therein or any property appertaining thereto, or any real property or estate, right or interest therein for use by such Authority in connection with the construction, reconstruction, extension, repair, improvement, maintenance or operation of one or more projects upon such terms and conditions as the governing body of such municipality shall determine to be for the best interest of such municipality. The State of Delaware consents to the use of all lands below high water mark owned or controlled by it, and to the use of any land between the right-of-way limits of any state highway, which are necessary or desirable in connection with the construction, reconstruction, extension, repair, improvement, maintenance or operation of any project; provided, however, that the use of any portion between the right-of-way limits of a state highway shall be subject to the approval of the State Highway Department.

Each municipality is hereby authorized and empowered:

(1) to contract with any Authority created hereunder for the collection, treatment or disposal of sewage.

(2) to contract with any Authority created hereunder for shutting off the supply of water furnished by any water system owned or operated by such municipality or under its jurisdiction or control to any premises connected with any sewerage system of the Authority in the event that the owner, tenant, or occupant of such premises shall fail to pay any rates, fees, or charges for the use of or for the services furnished by such sewerage system within the time or times specified in such contract.

(3) to contract with any Authority with respect to any and all matters and things concerning which such Authority is authorized to contract with such municipality under the provisions of this chapter.

(4) to loan to any newly created Authority money for the purpose of providing funds to pay the organization and preliminary expenses of such Authority on condition that such monies shall be repaid out of the proceeds of the first issue of such Authority.

**§ 1420. Authority may grant and convey project to municipality; when**

When any Authority shall have paid or provided for the payment of the principal of and the interest on all bonds which shall have been secured by a pledge of any of the revenues of a project, it may (subject to any agreements concerning the operation or disposition of such project) grant and convey such project to the municipality or municipalities composing the Authority. When any Authority shall have paid or made provisions for the payment of the principal of and the interest on all bonds issued by it and settled all other claims against it, it may terminate its existence. A certificate, requesting the termination of the existence of the Authority, signed by the proper officers of the Authority and stating that the principal of and the interest on all bonds issued by it have been paid, or that provisions for such payment have been made and that all claims

against the Authority have been settled, shall be filed with the Secretary of State. If the certificate is approved by the municipality or municipalities composing the Authority by ordinance or resolution the Secretary of State shall note the termination of existence on the records of the Secretary of State and issue its certificate of approval to the Board and thereupon the Authority shall cease to exist.

**§ 1421. Chapter constitutes full and complete authority**

This chapter shall constitute full and complete authority, without regard to the provisions of any other law for the doing of the acts and things herein authorized, and shall be liberally construed to effect the purposes hereof; provided, however, that nothing herein contained shall be taken as restricting any control which the State Board of Health, State Highway Department, and the Water Pollution Commission are empowered to exercise over or within any Authority.

The foregoing sections of this chapter shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing.

All laws or parts of laws inconsistent with the provisions of this chapter are hereby repealed to the extent of such inconsistency.

The provisions of this chapter are severable, and it is the intention to confer the whole or any part of the powers herein provided for, and if any of the provisions of this chapter shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions of this chapter. It is hereby declared to be the legislative intent that this chapter would have been adopted had such unconstitutional provision not been included therein.

Approved July 15, 1953.



CHAPTER 418

APPROPRIATION

STATE BOARD OF EDUCATION

**AN ACT TO APPROPRIATE FUNDS TO THE STATE BOARD  
OF EDUCATION FOR PAYMENT TO SUBSTITUTE  
TEACHERS.**

*Be it enacted by the General Assembly of the State of  
Delaware:*

Section 1. Seventy-two thousand dollars (\$72,000.00) for the school year 1953-54 and seventy-two thousand dollars (\$72,000.00) for the school year 1954-55 is appropriated to the State Board of Education for payment to substitute teachers.

Section 2. The State Board of Education shall make the necessary allocation of funds to the districts and shall notify the State Auditor of Accounts of the amount allotted to each qualifying district and he shall then cause said amounts to be made available to the district.

Section 3. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Fund of the State of Delaware not otherwise appropriated.

Approved July 15, 1953.

## CHAPTER 419

## APPROPRIATION

## BELVIDERE VOUNTEER FIRE DEPARTMENT

**AN ACT APPROPRIATING MONEY TO THE BELVIDERE  
VOLUNTEER FIRE COMPANY, AT BELVIDERE.**

*Be it enacted by the General Assembly of the State of Delaware (three-fourths of all of the Members elected to each House concurring therein):*

Section 1. There is appropriated to the Belvidere Volunteer Fire Company, at Belvidere, a fire company duly organized and equipped for the fighting of fires, the sum of one thousand two hundred fifty dollars (\$1,250.00) annually for each of the fiscal years beginning July 1, 1953 and July 1, 1954, to be used for the prevention and extinguishment of fires and for the maintenance of apparatus and equipment.

The said sum of one thousand two hundred fifty dollars (\$1,250.00) shall be paid by the State Treasurer to Belvidere Volunteer Fire Company within three (3) months after the beginning of each of the said fiscal years.

Section 2. This Act shall be known as a Supplementary Appropriation Act and the funds hereby appropriated shall be paid out of the General Funds of the State Treasury not otherwise appropriated.

Approved July 15, 1953.

## CHAPTER 420

## RELATING TO STATE EMPLOYEES' PENSION PLAN

**AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE OF 1953 ENTITLED "STATE EMPLOYEES' PENSION PLAN" BY ADDING TO THE DEFINITION OF "COVERED EMPLOYMENT" THE VOCATIONAL REHABILITATION DIVISION OF THE STATE BOARD FOR VOCATIONAL EDUCATION, AS A SUBSIDIZED AGENCY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Subchapter I, § 5501, Chapter 55, Title 29, Delaware Code of 1953 is amended by adding the words "Vocational Rehabilitation Division of the State Board for Vocational Education" after the word "Wilmington" and before the period in line 9 of the fifth main paragraph which paragraph defines "covered employment".

Approved July 15, 1953.

## CHAPTER 421

## RELATING TO CITY OF WILMINGTON

**AN ACT AUTHORIZING AND ENABLING THE CONVEYANCE AND TRANSFER OF A CERTAIN PARCEL OF LAND IN BRANDYWINE HUNDRED BY "THE MAYOR AND COUNCIL OF WILMINGTON" TO THE ABUTTING PROPERTY OWNERS.**

WHEREAS, by a lease dated June 25, 1931, Edward Bringhurst, V, and Mary T. Bringhurst did lease to "The Mayor and Council of Wilmington" two certain parcels of land in Brandywine Hundred containing in all 40.39 acres of land for the term of the natural life of the survivor of them, the said Edward Bringhurst, V, and Mary T. Bringhurst, which said lease is recorded in the Office for the Recording of Deeds, in and for New Castle County, in Deed Record V, Volume 37, Page 375; and

WHEREAS, subsequent to the execution of said lease on June 25, 1931, the said Edward Bringhurst, V, and Mary T. Bringhurst by their Indenture for a nominal consideration granted and conveyed the said same two parcels of land in Brandywine Hundred to John Biggs, Jr., Trustee, In Trust, inter alia, upon the death of the survivor of them to convey the same to "The Mayor and Council of Wilmington" in fee simple, as will more fully appear in said Indenture recorded in the Office for the Recording of Deeds, aforesaid, in Deed Record V, Volume 37, Page 19; and

WHEREAS, Parcel No. 1 as described in said lease and Deed of Trust conveyed a one hundred foot strip of land lying between Shipley Road and Talley Road to be used as a right-of-way for the proposed Washington Street Extension; and

WHEREAS, prior to entry thereon by the City and prior to road construction the plans and the alignment of said roadway were modified as a result of which certain parcels of land, being parts of Parcel No. 1 above referred to, were of no practical use to the City; and

WHEREAS, on November 17, 1939, the said John Biggs, Jr., Trustee and "The Mayor and Council of Wilmington" granted and conveyed to the said Edward Bringhurst, V, one of said parcels of land, being a part of Parcel No. 1 above referred to, containing 0.9 acres as will appear in a deed recorded in the Office for the Recording of Deeds aforesaid, in Deed Record O, Volume 41, Page 393, and on the same date granted and conveyed to the said Edward Bringhurst, V, and Mary T. Bringhurst another of said parcels of land containing 0.4 acres as will appear in a deed recorded in the Office for the Recording of Deeds, aforesaid, in Deed Record O, Volume 41, Page 391, both of which conveyances were first recommended to "The Mayor and Council of Wilmington" by the Board of Park Commissioners of the City of Wilmington in a resolution dated November 6, 1939, and both of which conveyances were later confirmed by an Act of the General Assembly of the State of Delaware, approved April 18, 1945, and published in Laws of Delaware, Volume 45, Chapter 170; and

WHEREAS, the said Edward Bringhurst, V, departed this life on or about December 8, 1939, having first made and published his Last Will and Testament, which is recorded in the Office of the Register of Wills, in and for New Castle County, in Will Record M, Volume 6, Page 369, under the terms of which all of his property, real and personal, was devised and bequeathed to his sister, Mary T. Bringhurst; and

WHEREAS, the following described part of Parcel No. 1 referred to above has not at any time been dedicated to public use, and no public use has been made thereof due to the change in the plans and alignment of the roadway for which said Parcel No. 1 was intended:

ALL that certain piece, parcel or tract of land situate in Brandywine Hundred, New Castle County and State of Delaware, being a parcel 700.60 feet by 81.91 feet, irregular, south corner of Washington Boulevard and Shipley Road, and being more particularly bounded and described according to a survey dated July, 1947, made by Howard L. Robertson, Registered Surveyor, or as follows, to wit—

BEGINNING at the intersection of the center line of Shipley Road and the southeasterly side of Washington Boulevard (at 100 feet wide); thence from said point of beginning by the said center line of Shipley Road South  $11^{\circ} 55' 30''$  West, 81.91 feet to a point; thence by lands now or late of Luther D. Reed South  $33^{\circ} 27' 19.3''$  West, 101.17 feet to a concrete monument; thence still by said lands by a curve to the right of radius 1196.28 feet an arc distance of 535.43 feet to a point in the aforementioned southeasterly side of Washington Boulevard, the chord being South  $46^{\circ} 16' 39''$  West, 530.97 feet; thence by the said side of Washington Boulevard North  $40^{\circ} 39'$  East, 700.60 feet to the place of Beginning. Be the contents thereof what they may.

AND WHEREAS, by a deed dated May 23, 1949, Mary T. Bringhurst granted and conveyed to Luther D. Reed and Marjorie M. Reed, his wife, certain lands and premises which adjoin that part of Parcel No. 1 above described, as more fully appears in Deed Record E, Volume 49, Page 33 in the Office of the Recorder of Deeds for New Castle County aforesaid; and

WHEREAS, the said Luther D. Reed and Marjorie M. Reed, his wife, are the abutting property owners on that part of Parcel No. 1 above described, which part is completely enclosed by the property of said Reeds and by the rights-of-way for Washington Street Extension and Shipley Road; and

WHEREAS, because of its location and size, said part of Parcel No 1 above described is apparently of no public use; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of each Branch concurring therein):*

Section 1. "The Mayor and Council of Wilmington" is authorized and enabled to grant and convey, sell, lease, transfer or assign all right, title and interest which it has or may hereafter have in that part of Parcel No. 1 above described to Luther D. Reed and Marjorie M. Reed, his wife, as the abutting property owners or to their successors in title as such abutting

property owners, upon such terms and conditions as may be fixed by "The Mayor and Council of Wilmington"; subject, however, to the rights, if any, of John Biggs, Jr., as Trustee and Mary T. Bringhurst during her lifetime;

"The Mayor and Council of Wilmington" is authorized and enabled to join with John Biggs, Jr., Trustee under the deed of Edward Bringhurst, V, and Mary T. Bringhurst, dated June 25, 1931, and with such other persons as may be deemed necessary, in the execution and delivery of deeds or other instruments conveying title to said part of Parcel No. 1 to the said abutting property owners or their successors in title.

Section 2. This Act shall be taken and declared to be a public Act.

Approved July 15, 1953.

## CHAPTER 422

## APPROPRIATION

## BRANDYWINE SPRINGS PARK

**AN ACT APPROPRIATING MONEY TO THE STATE PARK COMMISSION OF DELAWARE FOR THE DEVELOPMENT OF "BRANDYWINE SPRINGS PARK" AND FOR THE MAINTENANCE OF SAID PARK FOR EACH OF THE TWO FISCAL YEARS ENDING JUNE 30, 1954 AND JUNE 30, 1955.**

WHEREAS, the General Assembly of the State of Delaware at the One Hundred and Sixteenth Session thereof (Chapter 372, Volume 48, Laws of Delaware) appropriated money for the acquisition and purchase by the State Park Commission of Delaware of "Brandywine Springs Park" in Mill Creek Hundred, New Castle County, Delaware; and

WHEREAS, in pursuance of the authority of said Act, the State Park Commission of Delaware thereafter acquired and purchased the tract of land known as "Brandywine Springs Park" and the same is now owned by and is under the sole jurisdiction and control of said Commission; and

WHEREAS, said Act of the General Assembly directs the State Park Commission of Delaware to develop and maintain "Brandywine Springs Park" as a public recreational area, but no funds have heretofore been made available or are available for such purpose; NOW THEREFORE

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. That a sum of money not exceeding Sixty-Seven Thousand, Five Hundred and Ten Dollars (\$67,510) be and the same is hereby appropriated to the State Park Commission of Delaware to be used, to the extent found necessary or desirable by the Commission, for the development of and for capital improvements upon the park or public recreation



area known as "Brandywine Springs Park", the purchase of which by said Commission was authorized by Chapter 372, Volume 48, Laws of Delaware.

Section 2. Any part of the appropriation made by Section 1 of this Act which is not expended for the stated purpose within two years from and after the effective date of this Act, shall revert to the General Fund of the State Treasury.

Section 3. This Act shall be known as a Supplementary Appropriation Act and the moneys hereby appropriated shall be paid out of the General Fund of the State Treasury, not otherwise appropriated, on warrants of the State Park Commission of Delaware drawn according to law.

Approved July 24, 1953.

## CHAPTER 423

## APPROPRIATION

## STATE BOARD OF AGRICULTURE

**AN ACT MAKING AN APPROPRIATION TO THE STATE BOARD OF AGRICULTURE FOR THE EMPLOYMENT OF A FULL TIME FIELD MAN TO COLLECT MILK SAMPLES FOR MASTITIS ANALYSIS AND TO PROVIDE THAT SUCH APPROPRIATION BE MADE BY EACH GENERAL ASSEMBLY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. That the sum of Nine Thousand Dollars (\$9,000.00) is appropriated to the State Board of Agriculture to defray the expenses of a full time field man to take and collect milk samples to be analyzed for bacteria of mastitis significance. Of the sum hereby appropriated, the sum of Thirty-six Hundred Dollars (\$3,600.00) shall be allocated to salaries and wages, the sum of Two Hundred Dollars (\$200.00) shall be allocated to Office and Laboratory Supplies and the sum of Seven Hundred Dollars (\$700.00) shall be allocated to travel expenses for the fiscal year beginning July 1, 1953, and like sums shall be allocated for the purposes respectively for the fiscal year beginning July 1, 1954. Such sums shall be paid by the State Treasurer upon warrants duly approved by the proper officers of the State Board of Agriculture.

Section 2. Hereafter, a like sum of Nine Thousand Dollars (\$9,000.00) shall be included in the General Appropriation Bill, which is presented to each biennial General Assembly for the purposes herein contained.

Section 3. This Act shall be known as a Supplementary Appropriation Act, and the funds hereby appropriated shall be paid out of any moneys in the General Fund of the State Treasury, not otherwise appropriated.

Approved July 24, 1953.

## CHAPTER 424

## RELATING TO MOTOR VEHICLES

**AN ACT TO AMEND TITLE 21, DELAWARE CODE OF 1953,  
RELATING TO MOTOR VEHICLES BY CREATING A  
RECIPROCITY COMMISSION TO ENTER INTO RECIP-  
ROCAL AGREEMENTS OR ARRANGEMENTS CON-  
CERNING THE OPERATION, REGULATION AND TAX-  
ATION OF MOTOR VEHICLES.**

WHEREAS, it becomes increasingly necessary under our modern transportation system for Motor Vehicles to travel interstate.

WHEREAS, due to nonuniformity of Motor Vehicle Laws, rules and regulations.

WHEREAS, to facilitate the free movement of interstate traffic it becomes necessary for States to enter into reciprocal agreements.

WHEREAS, under existing Delaware Laws statutory authority is not provided for entering into such reciprocal agreements; NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. Title 21, Delaware Code of 1953, relating to "Motor Vehicles" is amended by adding a new section § 324 as follows:

**§ 324. Establishing a Reciprocity Commission; powers**

(a) There is created a Reciprocity Commission established for the purpose of entering into reciprocal agreements or arrangements concerning the operation, regulation and taxation of motor vehicles. The Commission shall be composed of three individuals: the Motor Vehicle Commissioner, the Chief Engineer of the Highway Department and a third member to be appointed by and serve at the will of the Governor. The

third member shall serve without compensation and to be eligible for appointment must be a resident of the State of Delaware and must have had experience in automotive transportation. The Commission shall be known as "Reciprocity Commission of the State of Delaware". The Governor shall appoint the third member of the Commission within 90 days after the approval of this Act, after which the Commission shall organize by electing one of its members as Chairman and proceed to carry out the purposes for which it is created.

(b) Notwithstanding any provisions of law to the contrary, the Reciprocity Commission of the State of Delaware is hereby empowered to make agreements or arrangements with the duly authorized representatives of the other States, District of Columbia, territories and possessions of the United States or foreign countries exempting the residents of such other states, district, territories and possessions and foreign countries using the highways of this State from the payment of any or all taxes, fees or other charges imposed by the laws of this state, with such restrictions, conditions and privileges as such Reciprocity Commission of the State of Delaware may deem advisable provided that to be entitled to the privileges and exemptions of any such agreement or arrangement a vehicle shall be properly registered under the laws of the State, district, territory or possession or foreign country and shall conspicuously display a legal registration plate and provided also that the operator of such vehicle shall have in his possession a registration certificate, or other evidence of such registration, issued for such vehicle; and, such agreements or arrangements shall provide that a resident of this State when using the highways of such other State, district, territory or possession or foreign country shall receive substantially equivalent benefits and privileges.

(c) Such agreements or arrangements may also provide for the registration of vehicles of a resident of one of the reciprocating States, district, territory or possession or foreign country in another reciprocating State, territory, district, or possession or foreign country and when a vehicle has been registered in one of the reciprocating States, district, territories or possessions or foreign countries under an agreement

or arrangement as authorized herein such vehicle shall not be subject to registration in the other reciprocating States, district, territories or possessions or foreign country and such vehicle shall be granted all of the benefits and privileges granted to other vehicles registered in the same State, district, territory or possession or foreign country.

(d) Such agreements or arrangements may also provide for the denial or withdrawal of the benefits and privileges granted under such agreement or arrangement as to any person, corporation or association of any kind if in the opinion of the Reciprocity Commission of the State of Delaware such person, corporation or association should not be granted such benefits and privileges.

(e) The Reciprocity Commission shall enter into no agreement that shall result in a serious or appreciable reduction of income to the State of Delaware.

Approved July 24, 1953.

## CHAPTER 425

## APPROPRIATION

## CREATING A STATE EMPLOYEES' PENSION STUDY COMMISSION

**AN ACT CREATING A STATE EMPLOYEES' PENSION STUDY COMMISSION; AUTHORIZING THE GOVERNOR TO MAKE APPOINTMENTS THERETO; PROVIDING FOR A STUDY TO BE MADE THEREBY AND A REPORT TO BE MADE TO THE 118TH GENERAL ASSEMBLY; AND MAKING AN APPROPRIATION OF TEN THOUSAND (\$10,000.00) FOR SAID PURPOSES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. There is hereby created a State Employees' Pension Study Commission to be composed of five (5) qualified citizens of the State, to be appointed by the Governor within ninety (90) days from the adoption of this Act.

Section 2. The Commission shall select one of its members to serve as Chairman and another as Secretary. The members shall serve without pay. They shall be reimbursed for any actual expenses involved and necessary for the accomplishment of the purposes of the Commission.

Section 3. The Commission shall make, or have made, a thorough, complete and careful study of pensions for State employees and develop a plan relating thereto; and shall make a report thereof in January, 1955 to the 118th General Assembly, together with specific recommendations. Copies of the report shall go to the Governor, the Secretary of State, the State Treasurer, and State Auditor, and to each member of the 118th General Assembly.

Section 4. The Commission shall have the power to require any agency of the State to supply any and all pertinent data and information desired by the Commission or its duly authorized representatives.

Section 5. The sum of Ten Thousand Dollars (\$10,000.00) is appropriated to the Commission for expenses and for employment of actuaries and such other employees as may be necessary to carry out the duties and responsibilities of the Commission. The money shall be paid out by warrants, properly signed by the Chairman of the Commission and directed to the State Treasurer.

Section 6. This is a supplementary appropriation and the funds herein appropriated shall be paid out of the General Fund of the State not otherwise appropriated. Any of the funds herein appropriated that are not expended by the Commission in connection with the purposes of this Act will revert to the General Fund.

Approved July 24, 1953.

## CHAPTER 426

RELATING TO TAKING OF OYSTERS FROM BROADKILN RIVER

**AN ACT TO AMEND SUB-CHAPTER II, CHAPTER 23, TITLE 7, DELAWARE CODE OF 1953, RELATING TO THE TAKING OF OYSTERS FROM BROADKILN RIVER OR ITS TRIBUTARIES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2331, Sub-Chapter II, Chapter 23, Title 7, Delaware Code of 1953, is amended by striking out all of said section and substituting the following:

**§ 2331. Minimum size of oysters; exception for plants; culling**

No person shall take or catch for market or buy or sell any oysters from Broadkiln River or its tributaries which are less than three (3) inches in length. All oysters caught or taken from such river or its tributaries shall be culled in the stream of water of at least two feet deep at mean low water. Nothing in this section shall prohibit or affect the catching or taking, buying or selling of oysters of any size to be used solely for planting purposes.

Section 2. § 2332, Sub-Chapter II, Chapter 23, Title 7, Delaware Code of 1953, is amended by striking out the figures "15" as they appear in Line 1 of said section and substituting the figures "25".

Section 3. Sub-Chapter II, Chapter 23, Title 7, Delaware Code of 1953 is amended by repealing all of § 2333.

Approved July 15, 1953.



## CHAPTER 427

## APPROPRIATION

## STATE HIGHWAY DEPARTMENT

**AN ACT DIRECTING THE STATE HIGHWAY DEPARTMENT  
OF THE STATE OF DELAWARE TO ERECT A CERTAIN  
TOILET ROOM ADDITION AT STATE POLICE TROOP  
NO. 4, LOCATED AT GEORGETOWN, DELAWARE AND  
APPROPRIATING MONEY THEREFOR.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The State Highway Department of the State of Delaware is directed to erect a toilet room addition for the use of the Delaware State Police, to be located at State Police Troop No. 4, located at Georgetown, Delaware.

Section 2. The sum of Six Thousand Dollars (\$6,000.00) is appropriated for the purposes stated and the State Treasurer is directed to pay the amount appropriated upon proper vouchers drawn by the State Highway Department.

Section 3. The State Highway Department shall without delay proceed to carry into effect the purposes of this Act and the sum hereby appropriated shall remain available for said purposes until the purposes of this Act have been fully carried out.

Section 4. This bill shall be known as a Supplementary Appropriation Act and the monies hereby appropriated shall be paid out of the General Fund of the State Treasury from sums not otherwise appropriated.

Approved July 24, 1953.

## CHAPTER 428

## APPROPRIATION

## STATE HIGHWAY DEPARTMENT

**AN ACT DIRECTING THE STATE HIGHWAY DEPARTMENT  
OF THE STATE OF DELAWARE TO REPAIR, RECON-  
STRUCT OR CONSTRUCT CERTAIN DIKES AND SLUICE  
GATES NEAR THE TOWN OF PORT PENN, IN NEW  
CASTLE COUNTY AND APPROPRIATING MONEY  
THEREFOR.**

WHEREAS, as a result of a combination of several breaches in the dikes, deterioration and inefficiency in the sluice gates and loss of materials at the top of the dikes in the Port Penn area, and flood and storm tides which renders both State and private roads impassable, and

WHEREAS, these conditions have caused a number of wells to become unsafe and unuseable and have resulted in other detrimental health conditions, such as the increase of mosquitoes and other disease carrying insects, NOW, THEREFORE,

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. The State Highway Department of the State of Delaware is directed to repair, reconstruct or construct certain dikes and sluice gates, including proper engineering plans and inspections for such purpose, at Port Penn in New Castle County so that the tidal waters of the Delaware River will not over-flow the banks at this place and damage the public highways adjacent thereto.

Section 2. The sum of Two Hundred Twenty-Five Thousand Dollars (\$225,000.00) is appropriated for the purposes stated and the State Treasurer is directed to pay the amount appropriated upon proper vouchers drawn by the State Highway Department.

Section 3. The State Highway Department shall without delay proceed to carry into effect the purposes of this Act and the sum hereby appropriated shall remain available for said purposes until the purposes of this Act have been fully carried out.

Section 4. This bill shall be known as a Supplementary Appropriation Act and the monies hereby appropriated shall be paid out of the General Fund of the State Treasury, not otherwise appropriated.

Approved July 24, 1953.

## CHAPTER 429

## RELATING TO WORKMEN'S COMPENSATION

**AN ACT AMENDING CHAPTER 23, TITLE 19, DELAWARE CODE OF 1953, ENTITLED "WORKMEN'S COMPENSATION", BY DEFINING THE MINIMUM DURATION OF INCAPACITY; COMPENSATION TO ILLEGALLY EMPLOYED MINORS; DEFINING "SERVICES" AND "SUPPLIES"; BURIAL EXPENSES.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2321, Title 19, Delaware Code of 1953, is amended to read as follows:

**§ 2321. Minimum duration of incapacity**

No compensation shall be paid for any injury which does not incapacitate the employee for a period of three (3) days from earning full wages and compensation shall begin on the fourth day of incapacity after the injury, unless the incapacity extends to seven (7) days including the day of injury, or unless the incapacity is caused by the amputation of a member of the body or a part thereof, or unless the incapacity results in the hospitalization of the employee, then in the case of incapacity for a seven (7) day period, amputation or hospitalization the employee shall not be excluded from receiving compensation for the first three (3) days of incapacity.

Section 2. Subchapter I, Chapter 23, Title 19, Delaware Code of 1953 is amended by adding at the end thereof a new section to read as follows:

**§ 2315. Compensation to illegally employed minors**

The right to receive compensation under this chapter shall not be affected by the fact that a minor is employed or is permitted to be employed in violation of the laws of the State relating to employment of minors, or that he obtained his employment by misrepresenting his age.

Section 3. § 2301, Title 19, Delaware Code of 1953, is amended by adding at the end thereof a new paragraph reading as follows:

"Services" and "supplies" means all treatments and apparatus, including glasses and artificial members.

Section 4. § 2331, Title 19, Delaware Code of 1953, is amended by striking out the figures "\$225" appearing in the third line thereof and substituting in lieu thereof the words and figures "Three Hundred Dollars (\$300.00)".

Approved July 28, 1953.

## CHAPTER 430

## RELATING TO NEW CASTLE COUNTY LEVY COURT

**AN ACT TO AMEND CHAPTER 15, TITLE 9, DELAWARE CODE OF 1953 ENTITLED "LEVY COURT OF NEW CASTLE COUNTY" BY INCREASING THE BORROWING POWER OF THE LEVY COURT OF NEW CASTLE COUNTY.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 1522 (a), Title 9, Delaware Code of 1953 is amended by substituting the figures "\$500,000" for the figures "\$250,000" as the same appear in the fourth line thereof.

Approved July 30, 1953.

CHAPTER 431

RELATING TO TAKING OF OYSTERS FROM BROADKILN RIVER

**AN ACT TO AMEND TITLE 7, DELAWARE CODE OF 1953  
RELATING TO "CONSERVATION" BY PERMITTING  
THE TAKING OF OYSTERS FROM BROADKILN RIVER  
FOR SEEDING IN HOME WATERS.**

*Be it enacted by the General Assembly of the State of Delaware:*

Section 1. § 2334, Title 7, Delaware Code of 1953 is amended by adding the following new sentence at the end of said section: "The State Board of Health may permit oysters to be taken out of Broadkiln River for seeding purposes only in home waters".

Approved July 24, 1953.

## CHAPTER 432

## PROPOSING AN AMENDMENT TO THE CONSTITUTION

**AN ACT TO AMEND ARTICLE THREE OF THE CONSTITUTION OF THE STATE OF DELAWARE.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the Members elected to each Branch concurring therein):*

Section 1. Section 18 of Article 3 of the Constitution of the State of Delaware is amended by striking out the whole of the last sentence in Section 18 and substituting the following: "Every order and resolution to which the concurrence of both Houses of the General Assembly may be necessary, except on a question of adjournment and those matters dealing solely with the internal or administrative affairs of the General Assembly, shall be presented to the Governor, and before the same shall take effect be approved by him, or being disapproved by him, shall be repassed by three-fifths of all the members elected to each House of the General Assembly, according to the rules and limitations prescribed in the case of a bill".



## CHAPTER 433

## SENATE JOINT RESOLUTION

**PAYING TRIBUTE TO THE 4-H CLUBS OF DELAWARE.**

WHEREAS, the Honorable John M. Longbotham represents the Fifth Senatorial District of Kent County in which the first 4-H Club was duly organized in the United States at Houston, Kent County, Delaware, the Club having been established as the "Houston Cardinals" and the late Dewey Sapp having served as the first President; and

WHEREAS, the 4-H Club movement has continued to grow and progress throughout the years to the point that it is now one of the most prominent youth organizations in the United States; and

WHEREAS, the 4-H Club leadership in the State of Delaware has been superbly outstanding; and

WHEREAS, the farm youth of Delaware has cooperated with this leadership; and

WHEREAS, the membership of the 4-H Clubs in Delaware is composed of some of our most energetic youths who, as a result of their efforts and accomplishments, show promise of becoming leading citizens of tomorrow; and

WHEREAS, the President of the United States, the Honorable Dwight D. Eisenhower, and the Governor of the State of Delaware, the Honorable J. Caleb Boggs, have by appropriate Proclamations, called upon all good citizens to observe 4-H Club Week; NOW, THEREFORE,

BE IT RESOLVED, *by the Senate and the House of Representatives of the 117th General Assembly of the State of Delaware* as follows:

That the various 4-H Clubs existing throughout the State be highly praised for the outstanding work now being accomplished by the members as well as the leadership of the Clubs, and

That the parents of the young men and women participating in the 4-H Club movement be congratulated upon their giving the necessary encouragement and assistance in helping to make the movement a success; and

That the farm youth of the State be encouraged to follow the vocation of their parents and ancestors with the full knowledge and thought that tilling the soil is one of man's noblest undertakings; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be made available to the press and a copy forwarded to the President of the United States and to each of the Delaware representatives in Congress, the Honorable John J. Williams, the Honorable J. Allen Frear and the Honorable Herbert B. Warburton.

Approved April 23, 1953.

## CHAPTER 434

## SENATE JOINT RESOLUTION

**COMMENDING THE HONORABLE DOCTOR ERNEST B. BENDER, CHAIRMAN, AND THE HONORABLE ROBERT P. MACLARY, VICE-CHAIRMAN, AND OTHER MEMBERS OF THE JOINT LEGISLATIVE FINANCE COMMITTEE OF THE 117TH GENERAL ASSEMBLY FOR THEIR PATIENCE AND UNTIRING EFFORTS IN PREPARING THE BUDGET APPROPRIATION BILL.**

WHEREAS, the preparation of the Budget Appropriation Bill has required considerable work and attention, and

WHEREAS, the conduct of the hearings incident to the preparation of the budget has been most unusually competent and businesslike, to the credit of all the members of the Committee; NOW, THEREFORE,

BE IT RESOLVED *by the Senate, the House of Representatives concurring therein*, that the chairman of the Committee, the Honorable Doctor Ernest B. Bender, the vice-chairman, the Honorable Robert P. Maclary, and the other members of the Committee, the Honorable John W. Burris, the Honorable William O. Covey, the Honorable J. Fred Dolby, the Honorable Curtis W. Steen, the Honorable Walter J. Hoey, the Honorable George J. Pyott, the Honorable Carey D. Sapp, and the Honorable Paul E. Shockley be commended for the excellent work performed in preparing the Budget Appropriation Bill for presentation at this session of the General Assembly.

Approved April 9, 1953.

## CHAPTER 435

## SENATE CONCURRENT RESOLUTION

**EXTENDING THE SYMPATHY OF THE SENATE AND  
HOUSE OF REPRESENTATIVES UPON THE DEATH  
OF ISAAC DOLPHUS SHORT, PROMINENT BUSINESS  
MAN AND CIVIC-MINDED CITIZEN, LATE OF MIL-  
FORD, SUSSEX COUNTY, DELAWARE.**

WHEREAS, It is with deep regret and profound sorrow that we, the members of the Senate and House of Representatives of the 117th General Assembly of the State of Delaware, have learned of the death of Isaac Dolphus Short, prominent business man and civic-minded citizen, late of Milford, Sussex County, Delaware, on the 6th day of January, A. D., 1953; and

WHEREAS, the said Isaac Dolphus Short, during his lifetime, served the State of Delaware with outstanding ability and distinction. He was elected State Senator in 1916 and served as President Pro-Tem in the Senate from 1916 to 1918. He was a Director of the Baltimore and Eastern Railroad Company, and of the Delaware, Maryland and Virginia Railroad Company. He also served as President of the First National Bank and Trust Company of Milford from 1940 to 1947. His civic interests carried him into the field of education, where he served as a member of the State Board of Education from 1938 to 1941, and as President of said Board for two years. He was a prominent Churchman, being an active member of the Avenue Methodist Church of Milford. His genial personality and keen interest in the affairs of State and Community made him a host of friends, appreciative of the sincerity of the man himself; and

WHEREAS, the members of the Senate and House of Representatives desire to concur in expressing unto his widow, Mrs. Elizabeth Taylor Short, and other members of his family, their deep and sincere sympathy in this hour of their bereavement; NOW, THEREFORE,

**BE IT RESOLVED** *by the Senate of the 117th General Assembly of the State of Delaware, the House of Representatives concurring therein as follows:*

(1) That the heartfelt sympathy of the Senate and House of Representatives, and of each member thereof, is hereby expressed and extended unto the widow, Mrs. Elizabeth Taylor Short, and other members of the family of Isaac Dolphus Short, who have survived him, for the great loss which they have suffered by reason of his death on the 6th day of January, A. D. 1953; and, further

(2) That we do humbly and reverently pray unto God to comfort and be with the widow and members of the family, in this hour of their bereavement; and, further

(3) That a copy of this Concurrent Resolution be spread upon the respective Journals of the Senate and House of Representatives of this 117th Session of the General Assembly of the State of Delaware, and a further copy be forwarded unto Mrs. Elizabeth Taylor Short of Milford, Delaware, and a further copy be delivered to the Public Press.

Approved March 30, 1953.

## CHAPTER 436

## SENATE CONCURRENT RESOLUTION

**THAT THE TWO HOUSES MEET IN JOINT SESSION TO  
HEAR THE MESSAGE OF THE GOVERNOR.**

BE IT RESOLVED, *by the Senate of the 117th General Assembly, the House of Representatives concurring therein*, that the two Houses of the General Assembly meet in joint session in the Senate Chambers at 11:00 forenoon on the 9th day of January, A. D., 1953, or as soon thereafter as is convenient, for the purpose of receiving from the Governor of the State of Delaware, any communication that he may present, or any message that he may choose to deliver.

Approved March 30, 1953.

CHAPTER 437

SENATE CONCURRENT RESOLUTION

**PROVIDING FOR THE JOINT SESSION TO COUNT THE  
VOTE FOR GOVERNOR AND LIEUTENANT-GOVER-  
NOR.**

BE IT RESOLVED, *by the Senate, the House of Representatives concurring therein*, that the Members of the Senate and the House of Representatives meet in Joint Session in the Senate Chamber on the ninth day of January, A. D. 1953, at 10:45 o'clock A. M., to count the vote for Governor and Lieutenant-Governor.

Approved March 30, 1953.

## CHAPTER 438

## SENATE CONCURRENT RESOLUTION

**PROVIDING FOR A JOINT COMMITTEE TO ARRANGE FOR THE INAUGURATION OF THE HONORABLE J. CALEB BOGGS AS GOVERNOR OF THE STATE OF DELAWARE AND TO ARRANGE FOR THE ATTENDANCE OF OFFICIALS AND PERSONS TO REPRESENT THE STATE OF DELAWARE AT THE INAUGURATION OF HONORABLE DWIGHT D. EISENHOWER AS PRESIDENT OF THE UNITED STATES.**

BE IT RESOLVED *by the Senate, the House of Representatives concurring therein*, that there is hereby authorized to be selected a Joint Committee, to consist of five members of the Senate and five members of the House of Representatives,—the Senate members to consist of the President Pro Tem and four other members of the Senate to be appointed by the President of the Senate,—the House members to consist of the Speaker and four other members of the House to be appointed by the Speaker; the said Committee being hereby authorized and directed to make all necessary arrangements for the inauguration exercises attendant upon the inauguration of the Honorable J. Caleb Boggs as Governor of Delaware, and further to make all necessary plans and take all necessary action with respect to the representation of the State of Delaware at the inauguration of Honorable Dwight D. Eisenhower as President of the United States; and

BE IT FURTHER RESOLVED that full discretion and authority shall be reposed in the Joint Committee hereby authorized concerning the officials and persons of the State of Delaware to attend the inaugural exercises in Washington.

Approved March 30, 1953.



CHAPTER 439

SENATE CONCURRENT RESOLUTION

**PROVIDING FOR A JOINT SESSION TO HEAR THE MESSAGE OF THE GOVERNOR.**

BE IT RESOLVED, *by the Senate of the 117th General Assembly, the House of Representatives concurring therein*, that both Houses of the General Assembly shall meet in Joint Session on Friday, January 23, at 12:00 Noon for the purpose of hearing any message which the Governor may wish to deliver to them.

Approved March 30, 1953.

## CHAPTER 440

## SENATE CONCURRENT RESOLUTION

**AUTHORIZING THE ADJOURNMENT OF THE SENATE  
AND THE HOUSE OF REPRESENTATIVES OF THE  
117TH GENERAL ASSEMBLY UNTIL WEDNESDAY,  
FEBRUARY 11, 1953 at 1:00 P. M.**

*BE IT RESOLVED by the Senate of the 117th General  
Assembly of the State of Delaware, the House of Representatives  
concurring therein as follows:*

1. That the Senate and House of Representatives adjourn  
at the close of business on Wednesday, February 4, 1953 until  
Wednesday, February 11, 1953 at 1:00 P. M.

Approved March 30, 1953.

CHAPTER 441

SENATE CONCURRENT RESOLUTION

**INVITING THE BOYS' STATE TO BE THE GUESTS OF  
THE ONE HUNDRED AND SEVENTEENTH GENERAL  
ASSEMBLY.**

*BE IT RESOLVED, by the Senate of the One Hundred and Seventeenth General Assembly of the State of Delaware (the House of Representative concurring therein):*

That the members of the Boys' State, sponsored by the American Legion of the State of Delaware, be and they are hereby invited to be the guests of the One Hundred and Seventeenth General Assembly during the current Session thereof; and

**BE IT FURTHER RESOLVED,** That the President of the Senate and the Speaker of the House of Representatives, be and they are hereby authorized and directed to appoint two members from each of their respective bodies to make arrangements with the representatives from the American Legion of Delaware for the visitation of the said Boys' State on the ninth, tenth and eleventh days of April, A. D., 1953.

Approved March 30, 1953.

## CHAPTER 442

## SENATE CONCURRENT RESOLUTION

**EXTENDING THE SYMPATHY OF THE SENATE AND  
HOUSE OF REPRESENTATIVES UPON THE DEATH  
OF MILTON T. FRASHER, PROMINENT BUSINESS  
MAN AND CIVIC-MINDED CITIZEN, LATE OF WILLOW  
GROVE, KENT COUNTY, DELAWARE.**

WHEREAS, it is with deep regret and profound sorrow that we, the members of the Senate and House of Representatives of the 117th General Assembly of the State of Delaware, have learned of the death of Milton T. Frasher, prominent business man and civic-minded citizen late of Willow Grove, Kent County, Delaware, on the 10th day of February A. D., 1953; and

WHEREAS, the said Milton T. Frasher served the State of Delaware with outstanding ability and distinction, he was elected State Senator in 1933 and served in the Senate until 1937. At the time of his death he was Clerk in the Receiver of Taxes office in Dover, Kent County, and was a member of Petersburg Baptist Church; his activities and personality gained for him a host of friends in his community and throughout the State.

WHEREAS, the members of the Senate and House of Representatives desire to concur in expressing unto his son, Milton C. Frasher and other members of his family, their deep and sincere sympathy in this hour of their bereavement; NOW, THEREFORE,

*BE IT RESOLVED by the Senate of the 117th General Assembly of the State of Delaware, the House of Representatives concurring therein as follows:*

(1) That the heartfelt sympathy of the Senate and House of Representatives, and of each member thereof, is hereby expressed and extended unto the son, Mr. Milton C. Frasher and other members of the family of Milton T. Frasher, who have

survived him for the loss which they have suffered by reason of his death on the 10th day of February A. D., 1953, and, further

(2) That we do humbly and reverently pray unto God to comfort and be with the son and members of the family, in this hour of their bereavement and, further,

(3) That a copy of this Concurrent Resolution be spread upon the respective Journals of the Senate and House of Representatives of the General Assembly of the State of Delaware and a further copy be forwarded unto Mr. Milton C. Frasher, 100 Garfield Avenue, Wilmington Manor, Delaware, and a further copy be delivered to the public press.

Approved March 16, 1953.

## CHAPTER 443

## SENATE CONCURRENT RESOLUTION

**EXTENDING THE SYMPATHY OF THE SENATE AND  
HOUSE OF REPRESENTATIVES UPON THE DEATH  
OF WILLIAM PHILIP SHORT, PROMINENT BUSINESS  
MAN AND CITIZEN, LATE OF BETHANY BEACH,  
SUSSEX COUNTY, DELAWARE.**

WHEREAS, William Philip Short, late of Bethany Beach, Sussex County, State of Delaware, was a man of outstanding business accomplishment, a civic-minded person interested in the affairs not only of his local community but of his beloved State; and

WHEREAS, his civic interest carried him into the realm of public service in the capacity of Mayor of Bethany Beach for several terms and Secretary of the Senate of the General Assembly for two terms; and

WHEREAS, he was a 32nd degree Mason, a member of Lulu Temple of the Shrine, and Evergreen Forest Tall Cedars of Lebanon, of Kent and Sussex Counties; and

WHEREAS, his personality, as well as his interest in public affairs, had made for him many friends; NOW THEREFORE,

*BE IT RESOLVED by the Senate of the 117th General Assembly of the State of Delaware, the House of Representatives concurring therein as follows:*

(1) That the members of the Senate and of the House of Representatives express to the widow, Mrs. Mary James Short; a daughter, Mrs. Mary Ansley Lighthipe; and a son, William Philip Short, Jr., now serving in the Army; and other members of the family their sincere sympathy and condolences upon the death of their loved one; and, further

(2) That God's comforting grace be with the bereaved during their hour of sorrow; and, further

(3) That a copy of this Concurrent Resolution be spread upon the respective Journals of the Senate and House of Representatives of this 117th Session of the General Assembly of the State of Delaware, a copy be forwarded to the widow, Mrs. Mary James Short, and a copy be delivered to the Public Press.

Approved March 16, 1953.

## CHAPTER 444

## SENATE CONCURRENT RESOLUTION

**COMMENDING THE WORK OF THE AMERICAN RED CROSS  
AND RECOMMENDING CONTRIBUTIONS THERETO.**

WHEREAS, by executive order issued by the President of the United States, the American Red Cross has been appointed the National Blood Collection Agency; and

WHEREAS, the American Red Cross has responsibilities to the many men serving in all the branches of the Armed Services of the United States and also to their families, and the said responsibilities are ever increasing; and

WHEREAS, the American Red Cross is further charged with the responsibility of family relief and rehabilitation to victims of natural catastrophe or disaster such as flood, hurricane, draught, fire and epidemic; and

WHEREAS, the American Red Cross always stands in readiness to assist men of our Armed Forces and their loved ones at home, and also render protection and relief to victims of all kinds of disasters; and

WHEREAS, the Delaware Chapter of the American Red Cross is the only Chapter of the more than three thousand seven hundred Chapters that comprises the American Red Cross that has jurisdiction over an entire State, and has demonstrated its worth to the people of the State by the many services it has rendered to the people of the State of Delaware; therefore

*BE IT RESOLVED, by the Senate, the House of Representatives concurring therein, as follows:*

THAT as the great work of the American Red Cross can be carried on only by voluntary contributions of the people, we urge all citizens to give generously of their means to this great organization in order that the Red Cross may carry on its program for the relief of suffering humanity all over the world.

Approved April 1, 1953.



## CHAPTER 445

## SENATE CONCURRENT RESOLUTION

## PAYING TRIBUTE TO THE AMERICAN LEGION.

WHEREAS, nearly three million Legionnaires throughout America are celebrating the thirty-fifth birthday of the American Legion; and

WHEREAS, by appropriate proclamations the President of the United States, many Governors and Mayors have proclaimed this week as "American Legion Birthday Week"; and

WHEREAS, approximately 17,272 Legion Posts are holding observances commemorating this occasion; and

WHEREAS, There are more than four thousand Legionnaires and one thousand Auxiliary members in the State of Delaware; and

WHEREAS, it is fitting and proper that observance and recognition be given to this important event in the history of the largest veterans' organization in the world; NOW, THEREFORE,

BE IT RESOLVED *that the Senate and House of Representatives of the 117th General Assembly* take this opportunity to do honor to the American Legion and its Auxiliaries for the services they have rendered to the community, state and nation during the years of their existence by extending birthday congratulations and best wishes for continued progress and success.

Approved April 9, 1953.

## CHAPTER 446

## SENATE CONCURRENT RESOLUTION

**IN RECOGNITION OF HARTLY GROUND OBSERVER CORPS  
OBSERVATION POST.**

WHEREAS, On October 9, 1952, the Ground Observer Corps Observation Post of Hartly, Delaware, was accorded national recognition by being chosen by the Columbia Broadcasting System, upon recommendation of the United States Air Force, as the subject for the dramatization of the Ground Observer Corps on a nationwide radio program in connection with the recruiting campaign for the Corps; and

WHEREAS, the Hartly Post was selected by the Air Force because it was one of the few posts in the nation which had operated continuously on a twenty-four hour basis since the start of the all out Operation Skywatch on July 14, 1952, and because it was an outstanding example of what could be done in a small community under capable leadership; and

WHEREAS, the radio program, tape recorded on the ground at Hartly, Delaware, by CBS depicted the successive steps by which Mr. Newlin Wood, the Post Supervisor, succeeded in organizing his post, recruiting 180 observers although the population of the community was only 130, building and equipping the station and maintaining successful operation; and

WHEREAS, the local Lions Club was persuaded to sponsor the project, money was raised by means of cake bakes, each child in the school being given a note to his parents asking for donations of cakes or food, material for the shelter was solicited and the shelter erected by volunteer labor; and

WHEREAS, all of this was re-enacted by the townspeople for the broadcast and in addition talks by the Governor of Delaware, the Honorable Elbert N. Carvel; the Chief of the Delaware Ground Observer Corps, Mr. George Ehinger, and the chief of the Baltimore Filter Center, Major Curtis, U. S. A. F. were transcribed; and

WHEREAS, the said program has been broadcast over the Columbia Broadcasting System's national hookup and a recording was furnished by Mr. Ehinger for the use by local broadcasting stations; and

WHEREAS, it is only fitting and proper that the 117th General Assembly of the State of Delaware commend and salute the Ground Observer Corps Observation Post of Hartly, Delaware; NOW, THEREFORE,

BE IT RESOLVED *by the Senate of the 117th General Assembly of the State of Delaware, the House of Representatives concurring therein* that the State of Delaware praise and commend the Ground Observer Corps Observation Post of Hartly, Delaware, for the unselfish time and effort that it has devoted to our national civilian defense; and

BE IT FURTHER RESOLVED that the Ground Observer Corps Observation Post of Hartly, Delaware, should be an outstanding and shining example to every citizen of the State of Delaware and the nation and serve as an incentive to encourage our citizenry to participate in this most important endeavor; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Ground Observer Corps Observation Post of Hartly, Delaware, and a copy be made available to the press.

Approved April 1, 1953.

## CHAPTER 447

## SENATE CONCURRENT RESOLUTION

**AUTHORIZING THE ADJOURNMENT OF THE SENATE  
OF THE 117TH GENERAL ASSEMBLY UNTIL MON-  
DAY, APRIL 6, 1953 AT 1:00 P. M.**

*BE IT RESOLVED by the Senate of the 117th General Assembly of the State of Delaware, the House of Representatives concurring therein as follows:*

(1) That the Senate adjourn at the close of business on Thursday, April 2, 1953, until Monday, April 6, 1953 at 1:00 P. M.

**Approved April 9, 1953.**

## CHAPTER 448

## SENATE CONCURRENT RESOLUTION

**EXTENDING SYMPATHY TO THE FAMILY AND RELATIVES OF THE LATE DR. ROY FRANKLIN CORLEY.**

WHEREAS, on the 4th day of April, A. D., 1953, the worldly labors of the late Honorable Dr. Roy Franklin Corley, former Lieut. Governor of the State of Delaware, former Mayor of the town of Smyrna, former President of the Board of Trustees of the Ferris Industrial School for Boys, and a practising dentist in Smyrna for the last forty-seven years, were terminated by his death; and

WHEREAS, as a public servant he unselfishly devoted his time and energy for the improvement of the general welfare of the people of the State of Delaware and the people of the town of Smyrna; and

WHEREAS, it is fitting and proper that this 117th General Assembly of the State of Delaware should express their deep sense of personal loss and sympathy unto the members of the family and relatives of the late Dr. Roy Franklin Corley; NOW, THEREFORE,

*BE IT RESOLVED, by the Senate of the 117th General Assembly of the State of Delaware, the House of Representatives concurring therein, as follows:*

(1) That the Senate and the House of Representatives of the State of Delaware and each member thereof hereby express their deep sense of personal loss and sympathy unto the members of the family and relatives of the late Dr. Roy Franklin Corley by reason of his death on April 4, 1953; and, further

(2) That they do humbly pray unto the Father of Mercies to comfort and sustain them in this the hour of their bereavement; and, further,

(3) That a copy of this resolution, bearing the approval of His Excellency, the Governor of the State of Delaware, thereon, be forwarded unto the family of the late Dr. Roy Franklin Corley and a further copy be delivered to the press.

Approved April 23, 1953.

## CHAPTER 449

## SENATE CONCURRENT RESOLUTION

**THAT THE TWO HOUSES MEET IN JOINT SESSION TO  
HEAR THE MESSAGE OF THE GOVERNOR IN REFER-  
ENCE TO REVENUE AND TAXATION.**

BE IT RESOLVED, *by the Senate of the 117th General Assembly, the House of Representatives concurring therein*, that the two Houses of the General Assembly meet in joint session in the Senate Chambers at 2:00 P. M. on the 9th day of April, A. D., 1953, or as soon thereafter as is convenient, for the purpose of receiving from the Governor of the State of Delaware, his message regarding Revenue and Taxation.

Approved April 8, 1953.

## CHAPTER 450

## SENATE CONCURRENT RESOLUTION

**EXTENDING THE SYMPATHY OF THE SENATE AND  
HOUSE OF REPRESENTATIVES UPON THE DEATH  
OF WILLIAM W. SIMPSON, EX-SHERIFF OF KENT  
COUNTY, LATE OF HARRINGTON, DELAWARE.**

WHEREAS, death has taken from the midst of his family and friends a beloved and highly-respected citizen, Ex-Sheriff Bill Simpson, late of Harrington, Delaware; and

WHEREAS, Sheriff Simpson during his lifetime was active in civic affairs and State and County Government; NOW, THEREFORE,

*BE IT RESOLVED by the Senate of the 117th General Assembly of the State of Delaware, the House of Representatives concurring therein, as follows:*

1. That the sympathy of the Senate and of the House of Representatives and of each member thereof is hereby expressed and extended unto his daughters, Mrs. William R. Irwin of Milford, Delaware and Mrs. Kenneth Worrell of Merchantville, New Jersey, and unto his brother, Herman Simpson of Carney's Point, New Jersey.

2. That God's Blessing may be upon the bereaved members of the family.

3. That a copy of this Concurrent Resolution be spread upon the respective journals of the Senate and the House of Representatives of this 117th Session of the General Assembly of the State of Delaware, and a further copy be forwarded unto each of the individuals herein mentioned.

Approved April 23, 1953.

## CHAPTER 451

## SENATE CONCURRENT RESOLUTION

**COMMENDING THE HONORABLE J. ALLEN FREAR, JUNIOR UNITED STATES SENATOR FROM THE STATE OF DELAWARE, FOR THE POSITION HE HAS TAKEN IN REGARD TO HAVING THE UNITED STATES CONSIDER WITH CAUTION ANY AND ALL COMMUNIST PROPOSALS FOR A SETTLEMENT OF THE PRISONER OF WAR ISSUE, OR THE KOREAN CONFLICT ITSELF.**

WHEREAS, our country is involved in a great struggle to preserve freedom; and

WHEREAS, the Communists of the world have yet to prove their sincerity of purpose in connection with peace proposals heretofore made; and

WHEREAS, our illustrious Junior Senator from the State of Delaware has seen fit to recognize the apparent difficulties facing this country when dealing with Russia and the satellite countries; NOW, THEREFORE,

*BE IT RESOLVED by the Senate of the 117th General Assembly of the State of Delaware, the House of Representatives concurring therein, as follows:*

1. That Senator Frear be congratulated upon the stand he has taken in urging the United States to proceed with caution in connection with the Communist proposal for a settlement of the Prisoner of War issue, or the Korean conflict itself.

2. That the 117th General Assembly of the State of Delaware go on record as supporting Senator Frear in this cautionary attitude.

3. That a copy of this Resolution be forwarded to the illustrious Senator from Delaware and a copy made available to the press.

Approved April 28, 1953.



## CHAPTER 452

## SENATE CONCURRENT RESOLUTION

**EXTENDING THE SYMPATHY OF THE SENATE AND  
OF THE HOUSE OF REPRESENTATIVES TO THE  
FAMILY AND RELATIVES OF THE LATE DARLINGTON  
FLINN.**

WHEREAS, the late Darlington Flinn departed this life on April 18, 1953; and,

WHEREAS, the late Darlington Flinn served as a member of the House of Representatives from 1907 until 1909, and served as a State Senator of the General Assembly from 1909 to 1913; and

WHEREAS, Mr. Flinn served as Recorder of Deeds for New Castle County from March, 1921, to January, 1923; and

WHEREAS, it is with deep regret and profound sorrow that we, the members of the Senate and the House of Representatives of the 117th General Assembly of the State of Delaware, have learned of the death of Darlington Flinn, who unselfishly devoted his time and energy to promoting the public welfare of the State of Delaware, wherein his genial personality and keen interests in the affairs of state made him a host of friends appreciative of the sincerity of the man himself; and

WHEREAS, the members of the Senate and the House of Representatives desire to concur in expressing unto his surviving relatives their deep and sincere sympathy in this hour of their bereavement; NOW, THEREFORE,

**BE IT RESOLVED** *by the Senate of the 117th General Assembly of the State of Delaware, the House of Representatives concurring therein as follows:*

1. That the heartfelt sympathy of the Senate and the House of Representatives and of each member thereof is hereby expressed and extended unto the surviving relatives for the great loss which they have suffered by reason of his death on the 18th day of April, 1953; and, further

2. That we do humbly and reverently prayer to God to comfort and be with the surviving relatives in this hour of their bereavement; and, further

3. That a copy of this Concurrent Resolution be spread upon the respective journals of the Senate and the House of Representatives of this 117th session of the General Assembly of the State of Delaware, and a further copy be forwarded unto his surviving sister, Mrs. Horace L. Dilworth of Centreville, Delaware, and a further copy be delivered to the Press.

Approved April 28, 1953.

## CHAPTER 453

## SENATE CONCURRENT RESOLUTION

**EXTENDING AN INVITATION TO THE HONORABLE LOUIS K. GOUGH, NATIONAL COMMANDER OF THE AMERICAN LEGION TO ADDRESS A JOINT SESSION OF THE 117TH GENERAL ASSEMBLY ON MAY 28, 1953 AT 2:00 P. M., DAYLIGHT SAVING TIME, IF THE GENERAL ASSEMBLY IS STILL IN SESSION.**

WHEREAS, the Department of Delaware American Legion will, on the 28th day of May, 1953, be honored by the presence of the National Commander of the American Legion, the Honorable Louis K. Gough; NOW, THEREFORE,

BE IT RESOLVED, *by the Senate of the 117th General Assembly, the House of Representatives concurring therein*, that Mr. Gough be extended an invitation, through the Department of Delaware American Legion, to be the guest of the 117th General Assembly on the 28th day of May, 1953, at 2:00 P. M. Daylight Saving Time.

Approved April 28, 1953.

## CHAPTER 454

## SENATE CONCURRENT RESOLUTION

**EXPRESSING THE SYMPATHY OF THE SENATE AND HOUSE OF REPRESENTATIVES TO THE WIDOW AND FAMILY OF THE LATE ALBERT T. STRAWBRIDGE.**

WHEREAS, on May 17, 1953, Albert A. Strawbridge, President of the City Council of Wilmington, departed this life, and

WHEREAS, Mr. Strawbridge during his lifetime was a devoted public servant in that he had served two terms as President of the City Council and was aspiring to a third term in the same office, and

WHEREAS, during World War I Mr. Strawbridge enlisted as a private and was promoted to Sergeant 1st Class, and saw action in France in defense of his country, and

WHEREAS, Mr. Strawbridge was long active in politics and was elected as Councilman for the 12th Ward of Wilmington in 1939 and held that position continuously for a period of fourteen years, and

WHEREAS, Mr. Strawbridge, during his tenure in office, had the courage of his convictions on some very controversial issues and never failed to express himself upon any issue which came before him, and

WHEREAS, Mr. Strawbridge was, beyond question, one of the most colorful and interesting personalities in the government of the City of Wilmington, and

WHEREAS, during his lifetime Mr. Strawbridge was a sincere, conscientious and honest citizen, loved and honored by his many friends as well as his opponents, and

WHEREAS, he served his offices with unselfishness and for the common good of the people of Wilmington, and

WHEREAS, it is with deep regret that the Senate and the House of Representatives have learned of the passing away of a public servant and a friend, NOW, THEREFORE,

BE IT RESOLVED, *by the Senate of the 117th General Assembly of the State of Delaware, the House of Representatives concurring therein*, as follows:

That the heartfelt sympathy of the Senate and the House of Representatives of the 117th General Assembly of the State of Delaware and of each member thereof, is hereby expressed and extended unto the widow and the family of the late Albert T. Strawbridge for the great loss which they have suffered by reason of his death on the 17th day of May, 1953, and further

THAT we do humbly and reverently pray to God Almighty that He comfort and be with the bereaved widow and the family of the late Mr. Strawbridge in this hour of their bereavement and, further,

THAT a copy of this Concurrent Resolution be spread upon the respective journals of the Senate and the House of Representatives of the 117th General Assembly of the State of Delaware and a copy be forwarded to his widow, Mrs. Dorothy Strawbridge, 100 Ruth Street, Wilmington, Delaware, and a further copy be delivered to the press.

Approved May 25, 1953.

## CHAPTER 455

## SENATE CONCURRENT RESOLUTION

**EXTENDING THE SYMPATHY OF THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE TO THE WIDOW AND THE RELATIVES UPON THE PASSING OF THE HONORABLE G. CLIFTON MAULL.**

WHEREAS, the Senate and the House of Representatives of the 117th General Assembly have learned with great regret of the passing of former Senator G. Clifton Maull, a resident of Lewes, Delaware, and

WHEREAS, the Honorable G. Clifton Maull served faithfully and honorably as a member of the Senate of the State of Delaware from 1931 to 1935, and

WHEREAS, Captain G. Clifton Maull was a pilot on the Delaware River and had continuously served since he was a young man, and

WHEREAS, Mr. Maull had ably served as a Town Councilman for the town of Lewes for a period of four years, and

WHEREAS, Mr. Maull at one time served the State of Delaware as a member of the Fish and Game Commission, and

WHEREAS, Mr. Maull was a charter member of the Lewes Volunteer Fire Company which was incorporated in 1923 and had held the positions of Chief and President, and had been active in the County and State Volunteer Fire organizations, and

WHEREAS, Mr. Maull was loved and respected by the Masonic Lodge of which he was a member, he having been affiliated with the Lu Lu Temple and the Nur Temple. He also served as a past Grand Tall Cedar and a past master of the Jefferson Lodge, and

WHEREAS, Mr. Maull was a member of the Sons of the American Revolution, and

WHEREAS, Mr. Maull was Chairman of the Lewes Memorial Commission, and

WHEREAS, Mr. Maull was active in church affairs in the Episcopal Church and had held the positions of Junior Warden and Vestryman, and

WHEREAS, Mr. Maull served his country during World War II and attained the rank of Lieutenant Commander in the United States Coast Guard, and

WHEREAS, Mr. Maull unselfishly helped those who were in trouble or needy, regardless of race, color, creed or political affiliations, and

WHEREAS, Mr. Maull was instrumental in forming Post No. 17 of the American Legion and was active in the affairs of Veterans, and

WHEREAS, Mr. Maull was recently re-elected as Sussex County Chairman of the Republican Party and had been active in politics most of his life. However, his first consideration was the welfare of the people, his state and his country; NOW, THEREFORE,

BE IT RESOLVED *by the Senate of the 117th General Assembly of the State of Delaware, the House of Representatives concurring therein*, as follows:

THAT the members of the 117th General Assembly do hereby express their deep regret and heartfelt sympathy unto the widow and the family of the late Honorable G. Clifton Maull for the great loss which they have suffered by his passing on the 20th day of May, 1953, and, further

THAT we do humbly and reverently pray to God Almighty that He comfort and be with the bereaved widow and the family of the late Mr. Maull in this hour of bereavement and, further,

THAT a copy of this Concurrent Resolution be spread upon the respective journals of the Senate and the House of Representatives of the 117th General Assembly of the State of Delaware and a copy be forwarded to his widow, Mrs. Jennie Stanton Maull, State Street, Lewes, Delaware, and a further copy be delivered to the press.

Approved May 26, 1953.



## CHAPTER 456

## SENATE CONCURRENT RESOLUTION

**CONGRATULATING SENATOR THOMAS L. JOHNSON,  
PRESIDENT PRO TEM OF THE SENATE.**

WHEREAS, on June 18, 1953, an election was held by the committee women and committee men by the Republican Party of Sussex County at Georgetown, Delaware, for the office of Chairman to fill the vacancy created by the untimely death of the late Senator G. Clifton Maull, and

WHEREAS, Senator Thomas L. Johnson was elected to the office of Chairman at that meeting, and

WHEREAS, we feel that Senator Thomas L. Johnson will perform his duty as Chairman with integrity and honesty and that he will work for the best interests of the people in the State of Delaware. Therefore, it is only fitting and proper that we should congratulate him on being elected to this responsible position.

*Be it enacted by the Senate of the 117th General Assembly and the House of Representatives concurring therein* that the members of the Senate and the House of Representatives congratulate him upon being chosen by his party as their leader and further that a copy of this resolution be given to Senator Thomas L. Johnson and a copy submitted to the press.

Approved June 23, 1953.

## CHAPTER 457

## SENATE CONCURRENT RESOLUTION

**RESCINDING PREVIOUS ACTION TAKEN ON HOUSE  
CONCURRENT RESOLUTION NO. 24, IN REFERENCE  
TO ADJOURNMENT SINE DIE AND FIXING A NEW  
TIME FOR ADJOURNMENT SINE DIE.**

BE IT RESOLVED *by the Senate of the 117th General Assembly of the State of Delaware, the House of Representatives concurring therein*, that House Concurrent Resolution No. 24 fixing Friday, the 19th day of June, A. D., 1953, the 99th legislative day, as the day for sine die adjournment, be and the same is hereby rescinded.

BE IT FURTHER RESOLVED by the Senate of the 117th General Assembly of the State of Delaware, the House of Representatives concurring therein, that both Houses of the 117th Session of the General Assembly of the State of Delaware shall adjourn sine die at the close of business on the 102nd legislative day in the year 1953.

## CHAPTER 458

## SENATE CONCURRENT RESOLUTION

**PROVIDING FOR A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE 117TH GENERAL ASSEMBLY TO BE HELD IN THE SENATE CHAMBER ON THURSDAY, JUNE 25, 1953, AT 1:15 P. M. TO RECEIVE HIS EXCELLENCY, THE HONORABLE J. CALEB BOGGS, GOVERNOR OF THE STATE OF DELAWARE, AND THE HONORABLE MISS DORIS M. GREENLY OF MILFORD, DELAWARE, GOVERNOR OF GIRLS' STATE.**

BE IT RESOLVED *by the Senate of the 117th General Assembly of the State of Delaware, the House of Representatives concurring therein* that the Senate and House of Representatives meet in joint session on Thursday, June 25, 1953, at 1:15 P. M. in the Senate Chamber to receive his Excellency, the Honorable J. Caleb Boggs, Governor of the State of Delaware, and the Honorable Miss Doris M. Greenly of Milford, Delaware, Governor of Girls' State.

Approved June 29, 1953.

## CHAPTER 459

## SENATE CONCURRENT RESOLUTION

**APPROPRIATING MONEY TO REIMBURSE JOHN N. McDOWELL, SECRETARY OF THE STATE, FOR CERTAIN MONIES EXPENDED FOR CERTAIN TELEPHONE SERVICES PAID OUT, NEEDED, FURNISHED TO AND USED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE 117TH GENERAL ASSEMBLY.**

*BE IT RESOLVED by the Senate of the 117th General Assembly of the State of Delaware, the House of Representatives concurring therein.*

1. The sum of Eight Hundred Dollars (\$800) or so much thereof as is necessary is appropriated to John N. McDowell, Secretary of the State, for certain telephone services furnished to and used by the Senate and House of Representatives of the 117th General Assembly.

2. The State Treasurer is directed to pay the said sum of Eight Hundred Dollars (\$800) unto John N. McDowell, Secretary of the State, upon warrants approved by the Chairmen of the Claims Committees of the Senate and the House of Representatives.

Approved July 15, 1953.

## CHAPTER 460

## SENATE CONCURRENT RESOLUTION

**EXTENDING THE SYMPATHY OF THE SENATE AND THE HOUSE OF REPRESENTATIVES TO THE RELATIVES OF THE LATE ELIJAH S. HUGHES.**

WHEREAS, the late Elijah S. Hughes departed this life on July 6, 1953; and,

WHEREAS, the late Elijah S. Hughes served two terms as a member of the House of Representatives; and,

WHEREAS, Mr. Hughes, during his lifetime, held the office of Comptroller of Kent County; and

WHEREAS, he was Custodian of the property of the State of Delaware; and,

WHEREAS, he was a Director of the Felton Bank; and

WHEREAS, he was a lifelong resident of Felton and was very active in civic and political affairs; and,

WHEREAS, he was a member of a family who distinguished themselves in public service; and,

WHEREAS, it is with deep regret and profound sorrow that we, the members of the Senate and the House of Representatives of the 117th General Assembly of the State of Delaware, have learned of the death of Elijah S. Hughes, who will always be remembered for his interest and devotion to the welfare of the people of the State of Delaware; and,

WHEREAS, he made many friends and helped those who needed help; and,

WHEREAS, the members of the Senate and the House of Representatives desire to concur in expressing unto his surviving relatives, their profound sorrow and sincere sympathy on the passing of their good friend, Elijah S. Hughes. NOW, THEREFORE,

BE IT RESOLVED *by the Senate of the 117th General Assembly of the State of Delaware, the House of Representatives concurring therein, that:*

1. The heartfelt sympathy of the Senate and the House of Representatives and of each member thereof is hereby expressed and extended unto the surviving relatives for the great loss which they have suffered by reason of the death of Elijah S. Hughes; and

2. That we humbly and reverently pray to God to comfort and be with the surviving relatives in their bereavement; and

3. That a copy of this Resolution be spread upon the respective journals of each House and a further copy be forwarded unto his closest relative and a copy be delivered to the public press.

Approved July 15, 1953.

## CHAPTER 461

## HOUSE JOINT RESOLUTION

**APPOINTING A BILL CLERK FOR THE HOUSE OF REPRESENTATIVES AND A BILL CLERK FOR THE SENATE TO SERVE DURING THE 117TH SESSION OF THE GENERAL ASSEMBLY.**

BE IT RESOLVED *by the House of Representatives and the Senate of the 117th Session of the General Assembly of the State of Delaware* that Eva N. Scotton be and she is hereby appointed Bill Clerk for the House of Representatives to serve during the present session of the House of Representatives; and that Lucinda M. Vickars be and she is hereby appointed Bill Clerk for the Senate to serve during the present session of the Senate, in accordance with 337 Section 1 of Chapter 10 of the Revised Code of Delaware, 1935.

Approved February 16, 1953.

## CHAPTER 462

## HOUSE JOINT RESOLUTION

**MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE JOINT INAUGURAL COMMITTEE INCIDENT TO THE INAUGURATION OF THE HONORABLE J. CALEB BOGGS, AS GOVERNOR OF THE STATE OF DELAWARE, AND FOR REPRESENTATION OF THE STATE OF DELAWARE AT THE INAUGURATION OF THE HONORABLE DWIGHT D. EISENHOWER, AS PRESIDENT OF THE UNITED STATES.**

BE IT RESOLVED, *by the House of Representatives, the Senate concurring therein*, that the sum of Nine Thousand Dollars (\$9,000.00) be and the same is hereby appropriated out of the General Fund of the State Treasury, not otherwise appropriated, to pay the expenses of the Joint Inaugural Committee heretofore authorized in making all necessary arrangements for the inauguration exercises attendant upon the inauguration of the Honorable J. Caleb Boggs as Governor of the State of Delaware, and for representation of the State of Delaware at the inauguration of the Honorable Dwight D. Eisenhower as President of the United States; and

BE IT FURTHER RESOLVED, that the State Treasurer be and he is hereby fully authorized and directed to pay the said sum or any part thereof, immediately upon receipt of warrants signed by the Chairman and Secretary of the said Committee; and

BE IT FURTHER RESOLVED, that any part of the appropriation hereby made which may remain unexpended when the Joint Inaugural Committee has concluded its work and made its final report to the General Assembly shall revert to the General Fund in the Treasury of the State of Delaware.

Approved February 5, 1953.



## CHAPTER 461

## HOUSE JOINT RESOLUTION

**APPOINTING A BILL CLERK FOR THE HOUSE OF REPRESENTATIVES AND A BILL CLERK FOR THE SENATE TO SERVE DURING THE 117TH SESSION OF THE GENERAL ASSEMBLY.**

BE IT RESOLVED *by the House of Representatives and the Senate of the 117th Session of the General Assembly of the State of Delaware* that Eva N. Scotton be and she is hereby appointed Bill Clerk for the House of Representatives to serve during the present session of the House of Representatives; and that Lucinda M. Vickars be and she is hereby appointed Bill Clerk for the Senate to serve during the present session of the Senate, in accordance with 337 Section 1 of Chapter 10 of the Revised Code of Delaware, 1935.

Approved February 16, 1953.

## CHAPTER 462

## HOUSE JOINT RESOLUTION

**MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE JOINT INAUGURAL COMMITTEE INCIDENT TO THE INAUGURATION OF THE HONORABLE J. CALEB BOGGS, AS GOVERNOR OF THE STATE OF DELAWARE, AND FOR REPRESENTATION OF THE STATE OF DELAWARE AT THE INAUGURATION OF THE HONORABLE DWIGHT D. EISENHOWER, AS PRESIDENT OF THE UNITED STATES.**

BE IT RESOLVED, *by the House of Representatives, the Senate concurring therein*, that the sum of Nine Thousand Dollars (\$9,000.00) be and the same is hereby appropriated out of the General Fund of the State Treasury, not otherwise appropriated, to pay the expenses of the Joint Inaugural Committee heretofore authorized in making all necessary arrangements for the inauguration exercises attendant upon the inauguration of the Honorable J. Caleb Boggs as Governor of the State of Delaware, and for representation of the State of Delaware at the inauguration of the Honorable Dwight D. Eisenhower as President of the United States; and

BE IT FURTHER RESOLVED, that the State Treasurer be and he is hereby fully authorized and directed to pay the said sum or any part thereof, immediately upon receipt of warrants signed by the Chairman and Secretary of the said Committee; and

BE IT FURTHER RESOLVED, that any part of the appropriation hereby made which may remain unexpended when the Joint Inaugural Committee has concluded its work and made its final report to the General Assembly shall revert to the General Fund in the Treasury of the State of Delaware.

Approved February 5, 1953.

## CHAPTER 463

## HOUSE JOINT RESOLUTION

**MEMORALIZING THE ASSUMPTION OF GOVERNMENTAL  
AUTHORITY BY A NEW NATIONAL ADMINISTRATION  
BY THE ELECTION OF THE HONORABLE  
DWIGHT D. EISENHOWER AS PRESIDENT OF THE  
UNITED STATES.**

WHEREAS, in accordance with constitutional provisions and procedure a national election was held on November 4, 1952, for the office of President and other national and state offices; and

WHEREAS, the citizens of this Republic exercising their inalienable right of suffrage have seen fit to entrust the responsibility of government to a new administration and did elect the Honorable Dwight D. Eisenhower as President of the United States of America; and

WHEREAS, this exhibition and bestowal of confidence on the part of the American people is being fulfilled by the expression of these fundamental principles of freedom, justice and morality upon which this nation was founded, and from which it derives its great strength and power, as evidenced by the humble prayer to Almighty God, spoken by our new Chief Executive upon his taking the oath of office as President of these United States; and also by his subsequent concise, forthright and inspiring State of the Union message to the Congress; NOW, THEREFORE,

BE IT RESOLVED, *by the House of Representatives of the State of Delaware, the Senate concurring therein*, that the 117th General Assembly of the State of Delaware hereby expresses its recognition and appreciation of the assumption of the powers of government by the new national administration and conveys to the President, the Honorable Dwight D. Eisenhower, the Vice President, the Honorable Richard N. Nixon, and to all others in authority, its hearty felicitations, good

wishes and high hopes that they, with God's help and guidance, will meet the grave problems of the moment, and of the difficult times ahead with foresight, courage and wisdom; and

BE IT FURTHER RESOLVED, that copies of this Joint Resolution be sent to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives of the United States, and to each member of the Delaware Congressional delegation.

Approved March 5, 1953.

## CHAPTER 464

## HOUSE JOINT RESOLUTION

**APPOINTING DIRECTORS ON THE PART OF THE STATE  
FOR THE FARMERS BANK OF THE STATE OF DELA-  
WARE.**

*BE IT RESOLVED, by the House of Representatives and the Senate of the State of Delaware, in General Assembly met:*

That William D. Denney, J. Gordon Smith and Henry V. P. Wilson, be and they are hereby appointed Directors, on the part of the State, of the Farmers Bank of the State of Delaware for the Principal Office at Dover; and that Aaron Finger, Canby C. Mammele and Charles F. Krug be and they are hereby appointed Directors, on the part of the State, of the Farmers Bank of the State of Delaware for the Branch at Wilmington; and that William A. B. Dodd, John G. Townsend, Jr. and Harold W. T. Purnell be and they are hereby appointed Directors, on the part of the State, of the Farmers Bank of the State of Delaware for the Branch at Georgetown.

Approved March 24, 1953.

## CHAPTER 465

## HOUSE JOINT RESOLUTION

**MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PROVIDING FOR THE WITHDRAWAL OF FEDERAL GOVERNMENT FROM THE FIELD OF GASOLINE TAXES.**

WHEREAS, The federal gasoline tax is levied upon the users of American highways; and

WHEREAS, The highway system of this country and the highway systems of the several states are rapidly deteriorating because the funds needed to develop and maintain a modern highway network are not available; and

WHEREAS, The federal government is now distributing to the states only about two-thirds of the revenue which it is deriving from the federal gasoline tax and is diverting the remainder to its other purposes; and

WHEREAS, If the federal government would withdraw from the field of gasoline taxes and the several states would increase the taxes imposed by them on gasoline and motor vehicle fuels in an amount equal to the federal tax on gasoline, a much larger amount of revenue would be available to the several states for the purpose of developing and maintaining a modern system of highways therein; and

WHEREAS, The Eleventh General Assembly of the States which was held in Chicago, Ill., in the month of December, 1952, at which practically all of the states of the United States were represented, went on record as favoring the withdrawal of the federal government from the gasoline tax field; and

WHEREAS, The National Conference of Governors has declared by appropriate resolution that the federal government should withdraw from the gasoline tax field: Now, therefore,

BE IT RESOLVED, *by the House of Representatives of the State of Delaware, the Senate concurring therein*, that the 117th General Assembly of the State of Delaware hereby respectfully urges and requests the Congress of the United States to enact legislation which will provide for the withdrawal of the federal government from the field of gasoline taxes; and

BE IT FURTHER RESOLVED, That copies of this Joint Resolution be sent to the President of the United States, the Vice-President of the United States, the Speaker of the House of Representatives of the Congress of the United States, and to each member of the Delaware Congressional delegation, and to the respective houses of the legislatures of the several states of the United States.

Approved May 11, 1953.

## CHAPTER 466

## HOUSE JOINT RESOLUTION

**MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT SENATE JOINT RESOLUTION NO. 1, WHICH WOULD AMEND THE CONSTITUTION OF THE UNITED STATES RELATIVE TO THE MAKING OF TREATIES AND EXECUTIVE AGREEMENTS.**

WHEREAS, the Constitution of the United States provides that treaties may be made between the United States and foreign nations by the President of the United States by and with the consent of the United States Senate; and

WHEREAS, treaties when made become the supreme law of the land, and are paramount with respect to the ordinary laws enacted by the Congress and approved by the President for these, in order to be valid, must conform to the Constitution whereas treaty law is not restricted by the Constitution and can thus abrogate the rights of the people as guaranteed by the Constitution and the Bill of Rights; and

WHEREAS, the traditional procedures and sanctions of diplomacy seem to have lost much of their former influence and power; and

WHEREAS, treaties, and even executive agreements which seem to become morally binding upon this nation, are becoming increasingly important in view of the complexities of this modern world; and

WHEREAS, Senate Joint Resolution No. 1, introduced in the United States Senate of the 83rd Congress on January 7, 1953, by Senator John W. Bricker, Senator from Ohio, and sponsored jointly by sixty-four other senators, commonly known as the Bricker Resolution, would amend the Constitution of the United States by providing that any treaty which denies or abridges any right enumerated in the Constitution shall have no force or effect, and that no treaty shall authorize or permit any foreign power or any international organization



to supervise, control or adjudicate rights of citizens of the United States enumerated in the Constitution, or any other matter essentially within the domestic jurisdiction of the United States, and that a treaty shall become internal law of this land only through the enactment of appropriate legislation by the Congress, and further, that all executive or other agreements between the President and any international organization, foreign power or official thereof, shall be made only in the manner prescribed by law and shall be subject to the limitations therein imposed on treaties or the making of treaties; and

WHEREAS, it is believed that the passage of this Resolution and its ratification by three-fourths of the several states, within the time allotted, would provide adequate and necessary protection to the constitutional rights of the citizens of this nation; NOW, THEREFORE,

BE IT RESOLVED *by the House of Representatives of the State of Delaware, the Senate concurring therein*, that the 117th General Assembly of the State of Delaware, hereby respectfully urges and requests the Congress of the United States to pass Senate Joint Resolution No. 1 (the Bricker Resolution), calling for an amendment to the Constitution relating to treaties and executive agreements; and

BE IT FURTHER RESOLVED that copies of this Joint Resolution be sent to the President of the United States, the Vice-President of the United States, the President Pro-Tem of the Senate of the Congress of the United States, Senator John W. Bricker, United States Senator from Ohio, to each member of the Delaware Congressional delegation, and to the respective houses of the legislatures of the several states of the United States.

Approved June 26, 1953.

## CHAPTER 467

## HOUSE CONCURRENT RESOLUTION

**PROVIDING FOR ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND THE SENATE UNTIL FRIDAY, JANUARY 23, 1953.**

**BE IT RESOLVED** *by the House of Representatives, the Senate concurring therein*, that at the close of the Legislative Day, January 19, 1953, both houses of the General Assembly shall adjourn until Friday, January 23, 1953, at 11 o'clock A. M.

Approved February 5, 1953.

CHAPTER 468

HOUSE CONCURRENT RESOLUTION

**PROVIDING FOR ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND THE SENATE FROM MONDAY, JANUARY 26, 1953 UNTIL MONDAY, FEBRUARY 2, 1953.**

BE IT RESOLVED *by the House of Representatives, the Senate concurring therein*, that at the close of the Legislative Day, January 26, 1953 both houses of the General Assembly shall adjourn until Monday, February 2, 1953 at 1 o'clock P. M.

Approved February 5, 1953.

## CHAPTER 469

## HOUSE CONCURRENT RESOLUTION

**THAT THE TWO HOUSES MEET IN JOINT SESSION TO  
HEAR AN EXPLANATION OF HOUSE BILL NO. 9  
ENTITLED DELAWARE CODE OF 1953.**

**BE IT RESOLVED** *by the House of Representatives of the 117th General Assembly of the State of Delaware, the Senate concurring therein*, that the said House of Representatives and Senate shall meet in joint session in the Senate Chamber at 1 P. M., on February 3, 1953 to hear discussed and explained House Bill No. 9 entitled Delaware Code of 1953.

Approved February 5, 1953.

CHAPTER 470

HOUSE CONCURRENT RESOLUTION

**DIRECTING THE APPOINTMENT OF A JOINT COMMITTEE  
TO ARRANGE FOR A SUITABLE PROGRAM FOR THE  
OBSERVANCE OF LINCOLN'S BIRTHDAY.**

**BE IT RESOLVED** *by the House of Representatives of  
the 117th General Assembly of the State of Delaware, the Senate  
concurring therein:*

That the Speaker of the House of Representatives and the President of the Senate of the 117th General Assembly, be and they are hereby authorized and directed to appoint three members from their respective houses to constitute a joint committee to arrange for a suitable program for the observance of Lincoln's Birthday.

Approved February 5, 1953.

## CHAPTER 471

## HOUSE CONCURRENT RESOLUTION

**DIRECTING THE APPOINTMENT OF A COMMITTEE TO  
ARRANGE A SUITABLE PROGRAM FOR THE OBSERV-  
ANCE OF WASHINGTON'S BIRTHDAY.**

BE IT RESOLVED *by the House of Representatives of the 117th General Assembly of the State of Delaware, the Senate concurring therein*, that the Speaker of the House of Representatives and the President of the Senate of the 117th Session of the General Assembly be and they hereby are authorized and directed to appoint three members from their respective houses to constitute a Joint Committee to arrange a suitable program for the observance of Washington's Birthday.

Approved February 5, 1953.

## CHAPTER 472

## HOUSE CONCURRENT RESOLUTION

**PROVIDING FOR A JOINT SESSION TO ATTEND THE  
EXERCISES ARRANGED IN COMMEMORATION OF  
THE BIRTHDAY ANNIVERSARY OF ABRAHAM  
LINCOLN.**

BE IT RESOLVED *by the House of Representatives of the 117th General Assembly of the State of Delaware, the Senate concurring therein*, that both Houses of the General Assembly shall meet in Joint Session on Thursday, February 12, 1953, at two P. M., for the purpose of attending the exercises and hearing the program arranged for in commemoration of the birthday anniversary of Abraham Lincoln.

Approved February 16, 1953.

## CHAPTER 473

## HOUSE CONCURRENT RESOLUTION

**APPROPRIATION FOR POSTAGE STAMPS AND OTHER  
SUPPLIES FOR THE 117TH GENERAL ASSEMBLY.**

BE IT RESOLVED *by the House of Representatives, the Senate concurring therein*, that the sum of Three Thousand Dollars (\$3,000.00) is appropriated out of the General Fund of the Treasury of the State of Delaware for the purchase of postage stamps and other supplies to be used for the official business of the 117th Session of the General Assembly of the State of Delaware.

FURTHER RESOLVED, that the State Treasurer of the State of Delaware shall pay for such postage stamps and other supplies out of said appropriation upon warrants approved by the State Librarian.

Approved February 16, 1953.



## CHAPTER 474

## HOUSE CONCURRENT RESOLUTION

**EXPRESSING APPRECIATION TO THOSE WHO ASSISTED  
IN THE PROGRAM COMMEMORATING THE BIRTHDAY  
OF ABRAHAM LINCOLN.**

WHEREAS, for many years past it has been the custom of the General Assembly of the State of Delaware to meet in Joint Session for the purpose of commemorating the Birthday of Abraham Lincoln; and,

WHEREAS, the program arranged for this occasion on February 12, 1953, was, in the opinion of all those who attended, especially appropriate and fitting for this occasion; and,

WHEREAS, it is the desire of this Assembly to express its sincere thanks to those who participated therein, NOW, THEREFORE,

**BE IT RESOLVED** *by the House of Representatives of the 117th General Assembly, the Senate concurring*, that this Assembly desires herein to express its sincere appreciation to all who participated in this occasion, in particular the following:

To John G. Leach, Vice President of Goldey-Beacom Business College for his timely and inspirational message.

To the Glee Club of William C. Jason Comprehensive High School at Georgetown and to those in charge thereof for their excellent musical renditions; and

To the members of the Committee who arranged the program for this occasion; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be sent to Mr. Leach and to the Glee Club of William C. Jason Comprehensive High School at Georgetown.

Approved February 23, 1953.

## CHAPTER 475

## HOUSE CONCURRENT RESOLUTION

**RELATIVE TO THE DEATH OF BENJAMIN F. SIMMONS,  
LATE OF THE CITY OF DOVER, DELAWARE.**

WHEREAS, notice has been received of the death of Benjamin F. Simmons, late of Dover, Delaware, a member of the House of Representatives in 1937 and a member of the Senate in 1939 and 1941; and

WHEREAS, Benjamin F. Simmons was an outstanding citizen in his community and State, a man who participated in public affairs and who affiliated himself with groups and organizations interested in the public welfare;

NOW, THEREFORE, BE IT RESOLVED *by the House of Representatives of the 117th General Assembly of the State of Delaware, the Senate concurring therein* that the present members have heard with profound sorrow of the passing of Benjamin F. Simmons and desire to pay tribute to the character and public services of an outstanding citizen of our State who, in addition to his activities in the community and County where he lived served as a respected member of both Branches of the General Assembly, and

BE IT FURTHER RESOLVED, That the sympathy of each member of this General Assembly is hereby extended to the widow of the deceased and to all other members of his immediate family and that a copy of this resolution be delivered to the widow of the deceased and the action hereby taken be made a part of the record of the present session.

Approved February 23, 1953.

CHAPTER 476

HOUSE CONCURRENT RESOLUTION

**PROVIDING FOR A JOINT SESSION TO ATTEND THE  
EXERCISES ARRANGED IN COMMEMORATION OF  
THE BIRTHDAY ANNIVERSARY OF GEORGE WASH-  
INGTON.**

BE IT RESOLVED *by the House of Representatives of the 117th General Assembly of the State of Delaware, the Senate concurring therein*, that both Houses of the General Assembly shall meet in Joint Session on Monday, February 23, 1953, at two P. M., for the purpose of attending the exercises and hearing the program arranged for in commemoration of the birthday anniversary of George Washington.

Approved March 5, 1953.

## CHAPTER 477

## HOUSE CONCURRENT RESOLUTION

**ADOPTING PERMANENT JOINT RULES FOR THE HOUSE  
OF REPRESENTATIVES AND THE SENATE.**

BE IT RESOLVED, *by the House of Representatives, the Senate concurring therein*, that the joint rules heretofore adopted as the temporary joint rules governing the present session of the 117th General Assembly of the State of Delaware are hereby declared inoperative as to future rules for the government of the present session; and that the joint rules, attached to this resolution in full text, are hereby adopted as the permanent joint rules of the House of Representatives and of the Senate of the 117th General Assembly of the State of Delaware.

## JOINT RULES—1953

**RULE 1**—Messages from one House of the General Assembly to the other shall be conveyed by such person as a sense of propriety in each House may determine. Announcements shall be made by the Serregant-at-Arms of the House to which the message is being conveyed, and the message shall be respectfully communicated to the presiding officer by the person or persons conveying the same.

**RULE 2**—Every bill and resolution upon being messaged from one House to the other shall be receipted for by the Chief Clerk of the House receiving same, and all papers on which the said bill or resolution may be based shall be transmitted at the same time.

**RULE 3**—Every bill and resolution to which the concurrence of both Houses of the General Assembly may be necessary shall upon its final passage in both Houses be delivered by the Chief Clerk of the House and/or the Secretary of the Senate, as the case may be, in which such bill or resolution originated, into the custody of the Bill Clerk of said House, and it shall be the duty of the Bill Clerk of the Senate and the Bill Clerk of the House of

Representatives jointly to see that such bill or resolution has attached to it a proper parchment backing and that each and every page of the said bill or resolution has been properly initialed, sealed, or stamped, unless otherwise ordered, and, upon being assured that such is the case, shall immediately, if the Houses be in session, and, if not, at the earliest opportunity, present the said bill or resolution to the presiding officer of each House for his signature, the presiding officer of the House in which the bill or resolution originated signing first. Said Bill Clerks shall then certify with the Secretary of the Senate and the Clerk of the House on the backing of said bill or resolution that such bill or resolution is the same as that which passed both Houses of the General Assembly, and the said bill or resolution shall then be delivered by the Bill Clerk of the House in which such bill or resolution originated to the Chairman of the Committee on Passed Bills of said House.

**RULE 4**—Disagreement between the two Houses on a bill or resolution, or an amendment to a bill or resolution or over any other matter shall be made subject for conference at the request of either House. A committee, composed of members who voted in the majority on the point or points of difference, shall be appointed in each House, and, at a convenient hour agreed on by their chairmen, shall meet in the conference chamber and state to each other, verbally or in writing, the reasons of their respective House for and against the substitution, amendment or other matter of disagreement, and confer freely thereon. Conferences shall not have power or control over any part of the bill or resolutions or other matter save such point or points over which the Houses disagree.

**RULE 5**—Every bill and/or resolution, which shall have passed one House and been rejected by the other, shall be returned to the House which had approved it and notice given of its rejection and the same entered on the Journal.

**RULE 6**—Neither the Senate nor the House shall be permitted to substitute a bill or joint resolution for a bill or joint resolution originating in the other House of the General Assembly.

SENATE RULES COMMITTEE

THOMAS L. JOHNSON, *Chairman*  
WILMER F. WILLIAMS  
THOMAS E. PEENEY  
CHARLES G. MOORE  
WALTER HANDSBERRY

HOUSE RULES COMMITTEE

GEORGE J. PYOTT, *Chairman*  
NORMAN E. BATTERSBY  
DALE E. WHEATLEY  
THOMAS C. ROWAN  
JOSEPH H. PRETTYMAN

Approved March 5, 1953.

## CHAPTER 478

## HOUSE CONCURRENT RESOLUTION

**EXPRESSING APPRECIATION TO THOSE WHO ASSISTED  
IN THE PROGRAM COMMEMORATING THE BIRTHDAY  
OF GEORGE WASHINGTON.**

WHEREAS, for many years past it has been the custom of the General Assembly of the State of Delaware to meet in Joint Session for the purpose of commemorating the Birthday of George Washington; and

WHEREAS, the program arranged for this occasion on February 23, 1953, was, in the opinion of all those who attended, especially appropriate and fitting for this occasion; and

WHEREAS, it is the desire of this Assembly to express its sincere thanks to those who participated therein; NOW, THEREFORE,

BE IT RESOLVED *by the House of Representatives of the 117th General Assembly, the Senate concurring*, that this Assembly desires herein to express its sincere appreciation to all who participated in this occasion, in particular the following:

To Professor Robert S. Hillyer, visiting Professor of the University of Delaware for his timely and inspirational message,

To the Glee Club of Henry C. Conrad High School at Richardson Park and to those in charge thereof for their excellent musical renditions; and,

To the members of the Committee who arranged the program for this occasion; and

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to Dr. Hillyer and to the Glee Club of Henry C. Conrad High School at Richardson Park.

Approved March 5, 1953.

## CHAPTER 479

## HOUSE CONCURRENT RESOLUTION

**APPROPRIATION FOR POSTAGE STAMPS AND OTHER  
SUPPLIES FOR THE 117TH GENERAL ASSEMBLY.**

**BE IT RESOLVED** *by the House of Representatives, the Senate concurring therein*, that the sum of Twenty-Five Hundred Dollars (\$2,500.00) is appropriated out of the General Fund of the Treasury of the State of Delaware for the purchase of postage stamps and other supplies to be used for the official business of the 117th Session of the General Assembly of the State of Delaware.

**BE IT FURTHER RESOLVED**, that the State Treasurer of the State of Delaware shall pay for such postage stamps and other supplies out of said appropriation upon warrants approved by the State Librarian.

Approved March 17, 1953.



CHAPTER 480

HOUSE CONCURRENT RESOLUTION

**AUTHORIZING THE STATE LIBRARIAN TO SUPPLY THE DELAWARE CODE OF 1953 WHEN IT IS COMPILED, ANNOTATED AND PUBLISHED WITH HARD-BACK COVERS, TO ALL FORMER GOVERNORS OF THIS STATE THEN LIVING.**

BE IT RESOLVED *by the House of Representatives of the 117th General Assembly, the Senate concurring therein*, that the State Librarian is instructed to furnish to each former Governor of this State then living, one copy of the Delaware Code of 1953 when it is compiled, annotated and published with hard-back covers.

Approved March 23, 1953.

## CHAPTER 481

## HOUSE CONCURRENT RESOLUTION

**THAT THE TWO HOUSES MEET IN JOINT SESSION TO  
HEAR THE MESSAGE OF THE GOVERNOR OF THE  
"BOYS' STATE".**

*BE IT RESOLVED, by the House of Representatives of the 117th General Assembly of the State of Delaware, the Senate concurring therein, that the two Houses of the 117th General Assembly of the State of Delaware, meet in joint session in the Senate Chamber at 2:00 P. M. on the tenth day of April, A. D., 1953, or as soon thereafter as is convenient for the purpose of hearing the message of the Governor of the "Boys' State".*

Approved April 17, 1953.

CHAPTER 482

HOUSE CONCURRENT RESOLUTION

**PROVIDING FOR ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND THE SENATE UNTIL THURSDAY, APRIL 16, 1953.**

BE IT RESOLVED *by the House of Representatives, the Senate concurring therein*, that at the close of the 56th Legislative Day, April 10, 1953, both houses of the General Assembly shall adjourn until Thursday, April 16, 1953, at 11 o'clock A. M.

Approved April 17, 1953.

## CHAPTER 483

## HOUSE CONCURRENT RESOLUTION

**APPROPRIATION FOR POSTAGE STAMPS AND OTHER  
SUPPLIES FOR THE 117TH GENERAL ASSEMBLY.**

**BE IT RESOLVED** *by the House of Representatives, the Senate concurring therein*, that the sum of Five Hundred Dollars (\$500.00) is appropriated out of the General Fund of the Treasury of the State of Delaware for the purchase of postage stamps and other supplies to be used for the official business of the 117th Session of the General Assembly of the State of Delaware.

**BE IT FURTHER RESOLVED**, that the State Treasurer of the State of Delaware shall pay for such postage stamps and other supplies out of said appropriation upon warrants approved by the State Librarian.

Approved April 20, 1953.

## CHAPTER 484

## HOUSE CONCURRENT RESOLUTION

**EXTENDING THE SYMPATHY OF THE HOUSE OF REPRESENTATIVES AND OF THE SENATE TO THE FAMILY OF THE LATE HORACE V. DANIEL.**

WHEREAS, the Almighty, in His infinite wisdom, saw fit on April 20, 1953, to call Horace V. Daniel from this life to the next; and

WHEREAS, Horace V. Daniel was a man much respected and admired for his wisdom and advice and for the high position he had attained in the business and social life of the State of Delaware; and

WHEREAS, Horace V. Daniel had served his State and Nation unselfishly and patriotically during the years of World War II as chairman of the Wilmington Draft Board No. 1; and

WHEREAS, Horace V. Daniel had been to a considerable extent responsible for the continued development of the excellent highway system of the State of Delaware because of his interest in efficient modern transportation; and

WHEREAS, through his associations with the General Assemblies of the State of Delaware for a score of years he had won many friends who recognized his outstanding qualities; and

WHEREAS, the members of the House of Representatives and the Senate of the 117th General Assembly recognize these facts and deeply regret and are sorrowed at his passing; NOW, Therefore

**BE IT RESOLVED** *by the House of Representatives of the 117th General Assembly of the State of Delaware, the Senate concurring therein:*

That the deep sympathy of the members of the House of Representatives, and of the Senate is extended to the family of the late Horace V. Daniel in their loss on the twentieth day of April, 1953; and

The members of the House of Representatives, and the Senate of the 117th General Assembly of the State of Delaware, in regular session met, do ask the Almighty God to spread the comforting mantle of His mercy over the family of Horace V. Daniel in their bereavement.

Copies of this Concurrent Resolution be spread upon the respective journals of the House of Representatives, and of the Senate of the 117th General Assembly of the State of Delaware, that a copy be sent to Mrs. Minnie F. Daniel, 2302 Ridgeway Road, Wilmington, Delaware, widow of the late Horace V. Daniel, and that a copy be delivered to the public press.

Approved May 6, 1953.

## CHAPTER 485

## HOUSE CONCURRENT RESOLUTION

**APPROPRIATION FOR POSTAGE STAMPS AND OTHER  
SUPPLIES FOR THE 117TH GENERAL ASSEMBLY.**

BE IT RESOLVED *by the House of Representatives, the Senate concurring therein*, that the sum of Twenty-five Hundred Dollars (\$2,500.00) is appropriated out of the General Fund of the Treasury of the State of Delaware for the purchase of postage stamps and other supplies to be used for the official business of the 117th Session of the General Assembly of the State of Delaware.

BE IT FURTHER RESOLVED, that the State Treasurer of the State of Delaware shall pay for such postage stamps and other supplies out of said appropriation upon warrants approved by the State Librarian.

Approved May 11, 1953.

## CHAPTER 486

## HOUSE CONCURRENT RESOLUTION

**APPROPRIATION FOR POSTAGE STAMPS FOR THE 117TH  
GENERAL ASSEMBLY.**

BE IT RESOLVED *by the House of Representatives, the Senate concurring therein*, that the sum of One Thousand Dollars (\$1,000.00) is appropriated out of the General Fund of the Treasury of the State of Delaware for the purchase of postage stamps to be used for the official business of the 117th Session of the General Assembly of the State of Delaware.

BE IT FURTHER RESOLVED, that the State Treasurer of the State of Delaware shall pay for such postage stamps out of said appropriation upon warrants approved by the State Librarian.

Any part of the \$1,000.00 herein appropriated remaining unexpended by the 117th General Assembly shall revert to the General Fund.

Approved May 20, 1953.



CHAPTER 487

HOUSE CONCURRENT RESOLUTION

**PROVIDING FOR ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND THE SENATE UNTIL MONDAY, MAY 25, 1953.**

BE IT RESOLVED *by the House of Representatives, the Senate concurring therein*, that at the close of the 81st Legislative Day, May 21, 1953, both houses of the General Assembly shall adjourn until Monday, May 25, 1953, at 12 noon, Eastern Standard Time.

## CHAPTER 488

## HOUSE CONCURRENT RESOLUTION

## IN REFERENCE TO ADJOURNMENT SINE DIE.

BE IT RESOLVED *by the House of Representatives of the 117th General Assembly of the State of Delaware, the Senate concurring therein*, that both Houses of the 117th Session of the General Assembly of the State of Delaware shall adjourn Sine Die at the close of business on Friday, the nineteenth day of June, A. D., 1953, the ninety-ninth Legislative Day.

## CHAPTER 489

## HOUSE CONCURRENT RESOLUTION

**AUTHORIZING AND DIRECTING THE SECRETARY OF  
THE SENATE AND THE CHIEF CLERK OF THE  
HOUSE TO DEPOSIT CERTAIN SENATE AND HOUSE  
RECORDS WITH THE PUBLIC ARCHIVES COMMISS-  
SION FOR PRESERVATION.**

BE IT RESOLVED *by the House of Representatives of the 117th Session of the General Assembly of the State of Delaware, the Senate concurring therein*, that the records of the Senate and of the House of Representatives in the possession of the Secretary of the Senate and of the Chief Clerk of the House and used by such officers for the preparation of the Journals of the two Houses of the General Assembly, and consisting of reports of committees, petitions, communications, action on Bills and Resolutions, and other papers and records, be deposited with the Public Archives Commission of the State of Delaware for preservation, after such papers and records are no longer needed by the officers named for the preparation and publication of the Journals of the respective Houses; and

BE IT FURTHER RESOLVED that the Public Archives Commission preserve such records which are deposited in accordance with this Resolution and keep the same available for examination by the citizens of this State.

Approved June 25, 1953.

## CHAPTER 490

## HOUSE CONCURRENT RESOLUTION

**APPROPRIATION FOR SUPPLIES FOR THE 117TH GENERAL ASSEMBLY.**

BE IT RESOLVED *by the House of Representatives, the Senate concurring therein*, that the sum of Two Thousand Dollars (\$2,000.00) is appropriated out of the General Fund of the State Treasury for the purchase of supplies to be used for the official business of the 117th Session of the General Assembly of the State of Delaware; and

BE IT FURTHER RESOLVED, that the State Treasurer of the State of Delaware shall pay for such supplies out of said appropriation upon warrants approved by the State Librarian, and any part of the Two Thousand Dollars (\$2,000.00) herein appropriated remaining unexpended by the 117th General Assembly shall revert to the General Fund.

Approved June 25, 1953.

## CHAPTER 491

## HOUSE CONCURRENT RESOLUTION

**EXTENDING THE SYMPATHY OF THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE TO THE WIDOW AND THE RELATIVES UPON THE PASSING OF MR. J. WARREN MARSHALL.**

WHEREAS, the House of Representatives and the Senate of the 117th General Assembly have learned with great regret of the passing of Mr. J. Warren Marshall, a resident of Yorklyn, Delaware; and

WHEREAS, Mr. Marshall has been for many years one of the most outstanding citizens of this State; and

WHEREAS, Mr. Marshall has contributed tremendously to the development of the Y. M. C. A. program in this State, having served, at one time, for eleven years as President of the Wilmington Y. M. C. A. and was the second man ever to be named to the post of Honorary President; and

WHEREAS, Mr. Marshall was a leader in civic efforts almost too numerous to mention, such as the Delaware Motor Club, Boy Scouts, Rotary Club and many Masonic Clubs and the Red Cross; and

WHEREAS, Mr. Marshall was one of the outstanding leaders in the fields of industry and business, being a Past President and Vice President of the Delaware Chamber of Commerce, President of the Wilmington Manufacturers' Association, a Director of the Wilmington Trust Company, Farmer's Mutual Fire Insurance Company, The Liberty Mutual Insurance Company, The Delaware Rayon Company, Manufacturers' Club of Philadelphia, as well as having been the President of the National Vulcanized Fiber Company and having served as Chairman of the Vocational Advisory Council of the State Board of Education; and

WHEREAS, Mr. Marshall was active in church affairs, having been a life-long member of the Hockessin Meeting Society of Friends; and

WHEREAS, Mr. Marshall was active in politics for many years, having been a former Chairman of the Republican State Committee; and

WHEREAS, Mr. Marshall will be long remembered for his unselfish devotion to those who were in trouble or needy regardless of race, color, creed or political affiliation; NOW, THEREFORE,

BE IT RESOLVED *by the House of Representatives of the 117th General Assembly of the State of Delaware, the Senate concurring therein*, that the members of the General Assembly do hereby express their deep regret and heartfelt sympathy to the widow and the family of the late Mr. J. Warren Marshall for the great loss which they have suffered by his passing on the 25th day of June, 1953, and further

THAT we do humbly and reverently pray to Almighty God that He comfort and be with the bereaved widow and the family of the late Mr. Marshall in this hour of their bereavement, and further

THAT a copy of this Concurrent Resolution be spread upon the respective Journals of the House of Representatives and the Senate of the 117th General Assembly of the State of Delaware and a copy be forwarded to his widow, Mrs. Bertha T. Lamboen Marshall, Yorklyn, Delaware, and a further copy be delivered to the press.

Approved June 30, 1953.

## CHAPTER 492

## HOUSE CONCURRENT RESOLUTION

**APPROPRIATION FOR POSTAGE AND MAILING EXPENSES OF THE 117TH GENERAL ASSEMBLY.**

BE IT RESOLVED *by the House of Representatives, the Senate concurring therein*, that the sum of Two Thousand Dollars (\$2,000.00) is appropriated out of the General Fund of the State Treasury for postage to be used for the mailing of the daily calendar, the mailing of the final daily calendars of the House and Senate, and the mailing and shipping of the Delaware Code of 1953, such expenses being necessary to the official business of the 117th Session of the General Assembly of the State of Delaware.

BE IT FURTHER RESOLVED, that the State Treasurer of the State of Delaware shall pay for such postage and mailing expenses out of said appropriation from time to time upon warrants approved by the State Librarian, and any part of the Two Thousand Dollars (\$2,000.00) herein appropriated remaining unexpended by the 117th Session of the General Assembly shall revert to the General Fund.

Approved July 8, 1953.

## CHAPTER 493

## HOUSE CONCURRENT RESOLUTION

**APPROPRIATING FUNDS FOR THE PURCHASE OF THE  
MULTILITH MACHINE USED BY THE GENERAL  
ASSEMBLY.**

WHEREAS, the General Assembly has been using a multilith machine located in the basement of the Legislative Hall which is the joint property of the U. S. Department of Agriculture and the State Board of Agriculture of the State of Delaware, AND

WHEREAS, the General Assembly will continue to require the use of such machine, AND

WHEREAS, the U. S. Department of Agriculture is willing to sell its interest in the machine to the General Assembly for a fraction of its original cost, AND

WHEREAS, the State Board of Agriculture of the State of Delaware is willing to assign its interest in the machine to the General Assembly without consideration, therefore, there is appropriated to the Legislative Reference Bureau the sum of \$175 to be expended by such Bureau for the purchase of whatever interest the U. S. Department of Agriculture might have in the said multilith machine.

The Legislative Reference Bureau is thereafter charged with the care and maintenance of such machine.

Approved July 10, 1953.



## CHAPTER 494

## HOUSE CONCURRENT RESOLUTION

**APPROPRIATION FOR POSTAGE STAMPS AND OTHER  
SUPPLIES FOR THE 117TH GENERAL ASSEMBLY.**

BE IT RESOLVED *by the House of Representatives, the Senate concurring therein*, that the sum of One Thousand Dollars (\$1,000.00) is appropriated out of the General Fund of the Treasury of the State of Delaware for the purchase of postage stamps and other supplies to be used for the official business of the 117th Session of the General Assembly of the State of Delaware.

BE IT FURTHER RESOLVED, that the State Treasurer of the State of Delaware shall pay for such postage stamps and other supplies out of said appropriation upon warrants approved by the State Librarian, and any part of the One Thousand Dollars (\$1,000.00) herein appropriated remaining unexpended by the 117th Session of the General Assembly shall revert to the General Fund.

Approved July 10, 1953.

CHAPTER 495  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, national security in the present emergency demands that the National Guard be fully manned, equipped and trained as a vital part of the nation's "M" Day security forces; and

WHEREAS, the Delaware National Guard has served the citizens of this State and its communities in time of domestic disaster; and

WHEREAS, the National Guard of the State of Delaware is undertaking a recruiting campaign:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, in order that we may continue to live in our State and communities with the assurance of safety and security, do proclaim January as

JOIN THE NATIONAL GUARD MONTH

and urge all citizens to join in recognition of the service of our friends and neighbors in the recruiting campaign of our own National Guard which extends from January 1, 1953, through January 31, 1953.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover, this Seventh day of January, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-three, and of the Independence of the United States of America, the One Hundred and Seventy-seventh.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 496  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the thirty-sixth annual celebration of National Thrift Week will also mark the two hundred and forty-seventh anniversary of the birth of Benjamin Franklin, "Father of Thrift," who played such a great role on the early American scene; and

WHEREAS, the course of the newly united colonies was often guided through his sage advice, writings and teachings and whose contributions to good government, based on sound policies making thrift were noteworthy; and

WHEREAS, thrift and conservation are inherent in the vigorous growth and prosperity of the United States; and

WHEREAS, continued growth of our State and Nation should be built upon a balanced economy with each paying his proportionate and fair share to assure good government, good schools and good health for all:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim January 17, 1953 through January 23, 1953 as

NATIONAL THRIFT WEEK

and call upon the citizens of Delaware at that time to remember kindly the contributions to our young nation of Benjamin Franklin, with the hope that we can practice the same prudence and make the same contributions to our state and nation as did the man from Boston and Philadelphia, who set for us so fine an example.

(GREAT SEAL)      IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said State  
to be hereunto affixed at Dover this Eleventh  
day of January, in the Year of Our Lord, One  
Thousand Nine Hundred and Fifty-three, and  
of the Independence of the United States of  
America, the One Hundred and Seventy-seventh.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 497  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, it is recognized that advancement in social culture and continuance of existence in the basic principles of American democracy can be attained only by the development and application of specialized knowledge and self-expression of a free people; and

WHEREAS, the province of such attainment lies immeasurably within the engineering profession because of its functions in developing a high standard of living and in solving the complex problems of modern civilization; and

WHEREAS, in this hour of deep concern with the safety of the rights and liberty of the free peoples of the world and for the continuing growth of the invigorating principles of democracy; and

WHEREAS, it is particularly fitting that the engineering profession receive recognition during a period in which the birthday of the First President of the United States of America, an engineer and surveyor, is celebrated:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, in order to give our citizenship an opportunity to honor the engineers of the State of Delaware, do proclaim the period beginning February 17, 1952, and continuing to February 23, 1952, shall be designated as

ENGINEER'S WEEK IN DELAWARE

and I urge all citizens to join me in recognizing and honoring our engineers.

(GREAT SEAL)      IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said State  
to be hereunto affixed at Dover this Thirtieth  
day of January, in the Year of Our Lord, One  
Thousand Nine Hundred and Fifty-two, and of  
the Independence of the United States of Amer-  
ica, the One Hundred and Seventy-sixth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 498  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the free peoples of this nation and the world are faced with their greatest trials for the sustaining of their free way of life; and

WHEREAS, it is necessary to place in the hands of the citizens of this nation their due responsibilities for the upholding of the American free way of life and maintaining the general welfare of this nation; and

WHEREAS, the office of the President of the United States of America is the highest and most important station which a citizen may attain, and it is the living symbol of the American flag and the Constitution of the United States of America; and

WHEREAS, our nation was founded on the authority of our Creator as the very foundation of our "Life, Liberty, and the pursuit of Happiness;" and

WHEREAS, it is refreshing to remember and reaffirm our faith in God and our system of delegated authority:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim that the 4th day of March be set aside and designated as

PRESIDENT'S DAY

in honor of the office of the President of the United States of America, and that prayers be urged in all places of worship, homes, and at public gatherings for Divine guidance of our Chief Executive and the continuation of the freedoms guaranteed by the Constitution of the United States of America.

(GREAT SEAL) IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this Thirtieth day of January, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.



CHAPTER 499  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the Girl Scouts of the United States of America have rendered continuous service to their country and community since their founding on March 12, 1912; and

WHEREAS, we the people of the State of Delaware are aware of the important contribution to civil defense being made by Girl Scout leaders through their work with the youth of the nation, thereby providing a service; and

WHEREAS, the Girl Scout organization has almost a million and a half girls and 400,000 adults who are each day living up to their pledge to Do Their Duty to God and Country, to Help Other People at All Times, and to Live by the Girl Scout Laws. These said laws enjoining honesty, loyalty, courtesy, cheerfulness, usefulness and helpfulness to others:

NOW, THEREFORE, I, Elbert N. Carvel, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby proclaim 1952

GIRL SCOUT ANNIVERSARY YEAR

and call upon all citizens to give the Girl Scouts now and in the coming years the fullest cooperation and support in order that increasing numbers of girls may join the ranks of the Girl Scouts as part of a great and growing force for freedom.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this Thirty-first day of January, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

## CHAPTER 500

## STATE OF DELAWARE

## EXECUTIVE DEPARTMENT

## PROCLAMATION

WHEREAS, for the past 30 years the Reserve Officers Association of this State has observed National Defense Week, in which virtually every civic and patriotic group in the State has joined; and

WHEREAS, since the cessation of World War II hostilities, thousands of our citizens have been killed or wounded in the continuing process of preserving our traditions of freedom; and

WHEREAS, conflicting ideologies and mutual international distrusting present a continuing threat to our nation and to each citizen and require a strong armed force of our citizens; and

WHEREAS, this great need for preserving our national strength must be recognized and shared in by all of our citizens:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim the period of February 12th through February 22nd, 1952, as

## NATIONAL DEFENSE WEEK

during which it is urged that the official flag of the United States be displayed on all official buildings and at other appropriate places on state property, and that the many business, civic and patriotic organizations demonstrate by other means their support of the ROA and National Defense Week and that every citizen give every cooperation to the observance and give prayerful consideration to the duties facing us all.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said State  
to be hereunto affixed at Dover this Seventh day  
(GREAT SEAL) of February, in the Year of Our Lord, One  
Thousand Nine Hundred and Fifty-two, and  
of the Independence of the United States of  
America, the One Hundred and Seventy-sixth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 501  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, there are more than 1800 rural boys and girls enrolled in the 4-H Club movement in the State of Delaware; and

WHEREAS, the 4-H organization has for its purpose the demonstration of improved methods of agriculture and home economics and the instillation of the principles of better citizenship in the lives of our young people; and

WHEREAS, in the changing world of agricultural concepts and practices, 4-H Club members will constitute one of the most important groups to show the way to improved practices and methods:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim the week of March 1 through March 9, 1952 as

4-H CLUB WEEK

in Delaware, for the purpose of paying tribute to our rural youth who are enrolled in this important and patriotic endeavor.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this Twenty-fifth day of February, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 502  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, in the comparatively short span of one hundred seventy-six years of sovereign independence of this State and Nation, phenomenal progress has been made in human freedom and welfare; and

WHEREAS, it is recognized that this progress has in a very large measure been founded upon and nurtured by the extensive, and in some cases, the wasteful use of the vast stores of natural resources; and

WHEREAS, our forebearers, in recognition of the benefits and influence of these bountiful gifts upon the lives and fortunes of a free and progressive people and their responsibilities to posterity, devised ways and means of communicating to their successors implements of understanding and appreciation of that part of their trusteeship concerned with the perpetuation of forests, trees and birds by providing for the official designation and observance of one day of the year to be designated Arbor and Bird Day:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, by virtue of the authorization granted me by Section 2895 of the Revised Code of Delaware, 1935, do hereby designate and proclaim Friday, April 4, 1952 as

ARBOR AND BIRD DAY

and urge its observance in all public and private schools, colleges and other institutions, by organizations and individuals by the planting of trees and shrubs for the adornment of public and private grounds, and by conducting exercises for the purpose of advancing the knowledge and appreciation of trees and shrubs, and the protection and encouragement of birds that we as a

people may learn to administer wisely and beneficially all natural resources which contributed so much to our individual and collective well being.

(GREAT SEAL) IN TESTIMONY WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this Fourteenth day of March, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 503  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, in November, 1637, an expedition of the New Sweden Company, consisting of two ships, "Kalmar Nyckel" and the "Fogel Grip", left Gothenburg, Sweden, to establish a colony in the Delaware River Valley, and during the latter part of March, 1638, the two ships anchored off the so-called "Rocks" on the Christina River; and

WHEREAS, on March 29, 1638, the New Sweden Company, represented by Peter Minuit, Director of the expedition, purchased from five Indian chiefs the land on the west side of the Delaware River extending from Bombay Hook northward to the Schuylkill River, which purchase included land now known as New Castle County in the State of Delaware, and following the sale of the land, and on the same day, Peter Minuit, his officers, and men landed at "The Rocks" and with solemn ceremonies raised the Swedish coat-of-arms on a post, called the country New Sweden, and subsequently built a fort there, which they named Fort Christina in honor of the Queen of Sweden; and

WHEREAS, Fort Christina was the first settlement of the Colony of New Sweden, and the First permanent settlement in the Delaware River Valley, and was also the first permanent settlement in the State of Delaware, and this first settlement and successive settlements of the Colony of New Sweden marked the beginnings of government, religion, education, agriculture, commerce, and industry in our State.

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, by authority of the General Assembly proclaim Monday, March 31, 1952, as

DELAWARE SWEDISH COLONIAL DAY

and request the citizens of our State in schools, churches, patriotic and historical Societies and other organizations to join in

appropriate ceremonies of this historic day and to display the National and State flags on our public buildings.

(GREAT SEAL) IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State, to be hereunto affixed at Dover this Twentieth day of March, in the Year of Our Lord One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.



CHAPTER 504  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, this is a year of vital decision, a time of great issue, a climatic era in the civilization of man; and

WHEREAS, the resolution of these problems must depend on many factors, not the least of which is a forthright spirit of realism; and

WHEREAS, it behooves the people of this State to approach each crisis, each communal problem, each challenge with courage and even enthusiasm; and

WHEREAS, the pressures of international uncertainty and the tensions within our country make it necessary to take stock anew of the fabric of our society so that the strong fibers of health and home shall not be weakened by the erosion of neglect; and

WHEREAS, once again it is time to focus our attention on the most feared and most cruel of all diseases, cancer; and

WHEREAS, by Act of Congress and Proclamation of the President of the United States, the month of April has been selected as a time for giving special emphasis to this annual killer of 215,000 Americans; and

WHEREAS, at least 70,000 Americans are being cured of cancer every year and this figure could be doubled by an alert public, early detection and prompt treatment; and

WHEREAS, the American Cancer Society is conducting its 1952 Cancer Crusade, starting April 1, to raise funds and educate the public about cancer:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim the month of April, 1952, as

**CANCER CONTROL MONTH**

and request that all residents of this State duly observe this occasion by supporting the 1952 Cancer Crusade, learning the seven danger signals of cancer and aiding to the fullest the cancer control program.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this Twenty-sixth day of March, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

(GREAT SEAL)

By the Governor:

**ELBERT N. CARVEL**

**HARRIS B. McDOWELL, JR.,** Secretary of State.

CHAPTER 505  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the mental health of our citizens is of vital importance to our personal, community and national welfare; and

WHEREAS, new and effective methods for the treatment of mental illness, research, preventive measures, child guidance and counseling are keeping hundreds of thousands of personal and family disorders from becoming critical; and

WHEREAS, the personal welfare of our citizens and their ability to meet the civil and military requirements of the present situation are dependent on the broadest possible application of the principles of mental health; and

WHEREAS, public-spirited organizations interested in mental hygiene have selected this period as one to kindle and foster a better understanding of our mental health problems:

NOW, THEREFORE, I, Elbert N. Carvel, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby proclaim the week of May 4 to 10, 1952, as

**MENTAL HEALTH WEEK**

in Delaware, and urge every citizen and all civic and educational organizations to support the movement for better understanding of our mental health problems.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this Thirty-first day of March, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 506  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, it is right and proper that our citizens should express thanks for the American way of life, and show their continued devotion to the principles of our Founding Fathers; and

WHEREAS, it is fitting that these citizens should by peaceful assembly call attention to these God-given rights and proclaim publically their opposition to all subversive groups and anti-American influences; and

WHEREAS, the Veterans of Foreign Wars of the United States, acting on the slogan "Loyalty—Our First Line of Defense," has urged that a week be set aside dedicated to these premises:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim the week of April 27, 1952, as

LOYALTY WEEK

in Delaware, and urge all citizens to stand up and be counted as Loyal Americans at such ceremonies as will effectively mark this observance in each of our Counties throughout the State.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this First day of April, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 507  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, from the soil flows our daily food for sustenance and materials with which to protect our bodies from both heat and cold; and

WHEREAS, our forefathers nurtured the soil and tended it with care so that future crops would be guaranteed; and

WHEREAS, it becomes our solemn duty to carry on this means of preservation so that continued productivity will be assured in the years ahead; and

WHEREAS, I have been requested to set aside a designated time to call attention to the need for Conservation of our Natural Resources through study and experimentation:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim the week of April 20 through April 26, 1952, as

CONSERVATION WEEK

in the State of Delaware. I call upon our citizens, our farmers, our granges and farm bureaus and other agricultural organizations, our schools and agricultural youth organizations to concentrate on conservation plans which will assure to the future generations the same great productivity from our soil as we have enjoyed for so many years.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this First day of April, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 508  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, for many years the people of the United States and its territories have joined in the observance of National Music Week as a means of promoting their educational, recreational and cultural life; and

WHEREAS, the influence of music has long been recognized as a harmonizing force and a means of emphasizing people's common interest; and

WHEREAS, music strengthens friendly ties of individuals, groups and nations:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do set aside and proclaim the week of May 4-11, 1952, as

NATIONAL MUSIC WEEK

and do call upon the citizens of the State of Delaware to take part and enjoy the special programs arranged for this observance and to come to full appreciation of music as promoting a brotherly influence among the people of the world.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this Third day of April, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 509  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the second Sunday in May has been established by the Congress of the United States and the Legislature of our State as Mother's Day; and

WHEREAS, we mark this year the 44th national observance of this occasion, although it had its origin immediately after the Civil War through the persistent efforts and wide vision of the late Anna Reeves Jarvis; and

WHEREAS, we should feel duty-bound to acknowledge our eternal debt of gratitude to our Mothers, who guided us through sickness and and health; through storm and strife and for whom we should lift our prayers in grateful thanks to Almighty God for their devotion and sacrifices; and

WHEREAS, it is our belief that love, devotion and sacrifice on the part of our Mothers have been guiding factors and influences in creating the leadership for our State and Nation:

NOW, THEREFORE, I, Elbert N. Carvel, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby designate and proclaim Sunday, May 11, 1952, as

**MOTHER'S DAY**

in the State of Delaware and urge all of our people to observe this significant occasion, either by participation in some service of worship in the church, the home or other appropriate place, where proper honor can be paid to the memory of all Mothers. I further urge that all citizens whose Mothers may be living make a diligent effort to contact or visit them as a special tribute on this day. It is further requested that the flags of our Nation and our State be displayed on Sunday, May 11, 1952, in solemn testimony of our love and affection for our Mothers.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover, this Twen-  
(GREAT SEAL) ty-second day of April, in the Year of Our Lord,  
One Thousand Nine Hundred and Fifty-two, and  
of the Independence of the United States of  
America, the One Hundred and Seventy-sixth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.



CHAPTER 510  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, a joint resolution of the United States Congress in 1928 set aside and designated the first day of May of each year to be known as Child Health Day; and

WHEREAS, the observance of Child Health Day this year will focus attention on the greater health, both physical and emotional, of handicapped children; and

WHEREAS, the people of the State of Delaware recognize the need for assistance to handicapped children; realize that every dollar spent in securing greater health for children is a worthwhile investment; and have indicated their interest by giving support to several programs developed for the handicapped child:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby designate Thursday, May 1, 1952, as

DELAWARE CHILD HEALTH DAY

and do urge all individuals, agencies and organizations interested in the health, education and welfare of the handicapped child to dedicate that day to the continuation of those efforts for every child who is blind, deaf, crippled or otherwise physically handicapped and for the child who is mentally handicapped; to work together toward the support of such measures as will early discover and diagnose the handicap of the crippled child; provide care and treatment and so educate and train him that he will become an asset to society.

(GREAT SEAL) IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of this State to be hereunto affixed at Dover this Twenty-fourth day of April, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 511

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the free world still stands challenged by ideologies which we cannot support or adopt; and

WHEREAS, through false propaganda the people of nations who are prisoners behind an Iron Curtain and are denied the truths about our democratic institutions and the manner in which we live in the United States of America; and

WHEREAS, it is our purpose to bring to these peoples the truth which to us has been self-evident for the past 176 years; and

WHEREAS, America owes its greatness to those who emigrated to these shores from many nations, representing all races and creeds; and

WHEREAS, many millions of these citizens of the United States still correspond regularly with relatives and friends in their homelands; and

WHEREAS, these personal messages do much to tell others of our American way of life, our freedoms and customs, thus enlightening those who may be laboring under misapprehensions concerning the ways of democracy:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim May 19 to 25, 1952, as

LETTERS FROM AMERICA WEEK

and call upon our citizens writing to relatives and friends in other lands to participate in this Campaign of Truth called for by the President of the United States and urge them to use their

letters to correct misconceptions, create better international understanding and further testify to the greatness and goodness of life in the United States of America.

(GREAT SEAL) IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this Thirtieth day of April, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 512  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, on May 5, 1952, the International Typographical Union celebrated its 100th Anniversary; and

WHEREAS, Wilmington Typographical Union No. 123 will have been in existence for 72 years; and

WHEREAS, this is the first time in history that a labor organization plans to celebrate a century of existence; and

WHEREAS, the International Typographical Union is dedicated to the teaching of the fundamentals of good citizenship and practicing democracy in economics and social betterment:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim the week of May 12, 1952, as

TYPOGRAPHICAL WEEK

and request that it be suitably observed by all.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover, this Seventh day of May, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 513  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, it is appropriate and desirable that we devote one day each year to a public expression of respect for men and women who demonstrate their patriotic devotion to the Nation by service in the Armed Forces of the United States; and

WHEREAS, the third Saturday in May has been designated for the observance of Armed Forces Day:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim that Saturday, May 17, 1952, shall be recognized throughout this State as

ARMED FORCES DAY

I direct the Adjutant General to take such action as may be in order to ensure appropriate observance by units of the National Guard and I call upon all public officials and agencies of government to cooperate in the observance.

I invite all groups of patriotic citizens, including veterans', women's, fraternal, educational, religious, commercial, labor, and industrial organizations, to participate actively in the Armed Forces Day program in their communities, to the end that we may join in honoring the Armed Forces and in emphasizing the direct relationship of each citizen to the Nation's continuing effort for peace with freedom through the strength of a united people.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this Seventh day of May, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 514  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the \$500,000,000 State of Israel Bond Issue is the cornerstone of Israel's historic program of development and immigrant absorption; and

WHEREAS, widespread recognition of Israel's role as an outpost of democracy in a crucial part of the world has stimulated support of the Israel Bond Drive among Americans in all walks of life; and

WHEREAS, Israel, the world's newest democracy, has recently marked the fourth anniversary of its founding as a free nation; and

WHEREAS, Sunday, May 18, 1952, has been chosen as Bonds of the Israel Government Day, on which an intensive, one-day effort will mark the opening of the 1952 campaign for the sale of \$200,000,000 of Israel Bonds during the current year; and

WHEREAS, BIG DAY, activities in Wilmington on Sunday, May 18, are being dedicated as an especial honor to the Honorable Abba Hushi, Mayor of the City of Haifa, Israel, and one of the truly great leaders of that nation:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim the week from May 18 through May 22, 1952, as

ISRAEL BOND WEEK

in Delaware and call upon all citizens of the State to evidence their faith in the future of Israel through the purchase of Israel Bonds on Sunday, May 18, and throughout the year.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover, this  
(GREAT SEAL) Twelfth day of May, in the Year of Our Lord,  
One Thousand Nine Hundred and Fifty-two, and  
of the Independence of the United States of  
America, the One Hundred and Seventy-sixth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.



CHAPTER 515

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the American Merchant Marine has again displayed, during the past year, its ability to support the military forces of the United States of America by furnishing supplies to her fighting men; and

WHEREAS, the Port of Wilmington contributes greatly to the arsenal of democracy through transportation of vital materials from this growing industrial center; and

WHEREAS, the American Merchant Marine has continued to promote international trade and travel while serving the defense and security of the nation; and

WHEREAS, The Congress of the United States has taken note of the historic fact that on May 22, 1819 the "Savannah" became the first steamship to successfully make a trans-Atlantic voyage under steam propulsion and has urged the President to proclaim May 22, 1952, as National Maritime Day:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim that the citizens of our state take cognizance of this anniversary and pay tribute to the brave men of our Merchant Marine by observing May 22, 1952 as

NATIONAL MARITIME DAY

and I call upon our schools, marine organizations, patriotic groups and all others to especially mark this day, and urge that the flag of our country and that of the State of Delaware be prominently displayed in commemoration of this historic event.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this Thir-  
(GREAT SEAL) teenth day of May, in the Year of our Lord, One  
Thousand Nine Hundred and Fifty-two, and  
of the Independence of the United States of  
America, the One Hundred and Seventy-sixth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 516  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the Shut-In's Day Association, International, has officially named the first Sunday in June as Shut-in's Day, at which time people are encouraged to visit the sick and disabled; and

WHEREAS, the observance of such a day serves to create an awareness of the struggle of those not blessed with good health, and the need for consideration on the part of those more fortunate; and

WHEREAS, a growing number of the shut-ins are war veterans, who patiently, cheerfully wait, some of them with no hope of sunshine in the open, but who must find sunshine in the thoughtfulness of those who visit them and send them books, magazines and flowers; and

WHEREAS, there are many ways in which invalids can be helped to participate in programs that are important to the welfare of all society and this sharing in the common interest and activity has a great therapeutic value:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim the first Sunday in June, 1, 1952, as

NATIONAL AND INTERNATIONAL SHUT-IN'S DAY

and urge the people of Delaware to observe this occasion by visiting, writing, or otherwise remembering their shut-in friends and neighbors.

(GREAT SEAL) IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
State to be hereunto affixed at Dover this Fif-  
teenth day of May, in the Year of Our Lord, One  
Thousand Nine Hundred and Fifty-two, and  
of the Independence of the United States of  
America, the One Hundred and Seventy-sixth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 517  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, we are honoring our fathers this coming Father's Day, Sunday, June 15th; and

WHEREAS, the theme for this American Holiday is "Happy Families Make a Peaceful World;" and

WHEREAS, it is the fathers of our land who primarily have built this great democracy through their teachings and sturdy devotion to liberty and love of freedom; and

WHEREAS, we look to the father in the home as the builder of good family life and the foundation of our future and teacher of our young in the importance of good ethics, fair play, peace and brotherhood throughout the world:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim Sunday, June 15, 1952, as

FATHER'S DAY

and I call upon all the citizens of this State to observe it in worship and displaying the American Flag and otherwise commemorating the father in the home so that every day in the year may have the blessings that flow from good fatherhood and a strong family life.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this Twentieth day of May, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 518

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the week of June 8 to 14, 1952, inclusive, has again been designated as Flag Week by the United States Flag Association when appropriate exercises are to be held to honor our National Emblem as further evidence of the courage, patriotism and loyalty of the American people, and remembering especially those who are defending that flag on the field of battle; and

WHEREAS, the American Flag has become the symbol of liberty not only on these shores, but throughout the free world as representing a way of life that is truly democratic:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do proclaim the period of June 8 to 14, 1952, as

FLAG WEEK

and since the week culminates on June 14, which we annually observe as Flag Day in the United States of America, I call upon all State officials to display the flag of our country on all state buildings during the week. I also urge all citizens of the State to fly the flag either at home or at their place of business and urge them to participate in special services or programs prepared for this occasion to pay tribute to the Stars and Stripes. At a time when freedom is flaunted on many fronts throughout the world, and there are efforts to destroy all that our flag represents, it is important that we once more proclaim our loyalty and faith to our country by displaying the national emblem. Since this nation has assumed a position of leadership in a world beset with oppression, we can in this manner show our respect for and love our native land by holding high the colors which all of us freely pledge to protect and defend.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
(GREAT SEAL) State to be hereunto affixed at Dover this Third  
day of June, in the Year of Our Lord, One  
Thousand Nine Hundred and Fifty-two, and  
of the Independence of the United States of  
America, the One Hundred and Seventy-sixth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 519  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the fifty-six signers of the Declaration of Independence were moved to dedicate this nation to the conception of Freedom Under God, and to sound the keynote of American Independence with:

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the pursuit of Happiness;” and

WHEREAS, when the last name was affixed to the official document, a little boy signaled the first bell ringing to thank God for liberty; and

WHEREAS, preachers of all denominations spoke out for Freedom in early American history; and

WHEREAS, in appropriate commemoration of the signing of the Declaration of Independence, the great patriot, John Adams, in 1776 said:

“It ought to be commemorated as a day of deliverance by solemn acts of devotion to God Almighty”:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do, on this 176th Anniversary of American Independence, hereby proclaim the week of June 27 through July 4, 1952, as

INDEPENDENCE WEEK

and urge appropriate revival of the original spirit of Independence Day, with ringing once again of church bells for ten minutes at noon on July 4th, the preaching of sermons on the theme



FREEDOM UNDER GOD on the day of worship preceding Independence Day, the pondering of the Declaration of Independence by all Americans, particularly young Americans, in order that Freedom Under God may gain strength in our national life.

(GREAT SEAL) IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this Tenth day of June, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-sixth.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 520  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the right to vote for our public officials should be the sacred duty and privilege of every eligible citizen of the State of Delaware and the United States; and

WHEREAS, the Election Laws of the State of Delaware specify that all eligible citizens of the State must register as a pre-requisite for voting in the General Election; and

WHEREAS, the Election Laws of the State of Delaware make provision for definite days when all eligible citizens of the State may register in order to be able to vote in the General Election:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim that Wednesday, July 9, 1952 shall be recognized throughout this State as a

SUPPLEMENTAL REGISTRATION DAY

and I urge each and every eligible citizen of the State who is not properly registered to take advantage of this registration period by going to the registration place in their election district to register for the General Election.

I further urge that all public spirited and civic-minded groups and organizations do everything in their power to get citizens to register and to vote in the General Election scheduled to be held on Tuesday, November 4, 1952.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this Seventh day of July, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-seventh.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 521  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, accidents caused by indifference and thoughtlessness continue to rob the nation of the lives and services of thousands of farm residents each year; and

WHEREAS, the number of these unnecessary casualties can be greatly reduced by the exercise of caution and intelligent effort on the part of each farm family; and

WHEREAS, the conservation of manpower and property is vital to national defense:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby call upon the citizens of our State to observe the week of July 20, 1952, as

NATIONAL FARM SAFETY WEEK

and I urgently request every farm resident to cooperate in carrying out effective safety measures. I also request all organizations and persons interested in farm life to join with the Delaware Safety Council, in a campaign to emphasize the importance of developing attitudes toward safety which will help prevent accidents on the farm and elsewhere.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this Eleventh day of July in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-seventh.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 522  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, National Vegetable Week has come to be observed annually throughout the United States in order to call attention to the importance of vegetable foods to the physical and economic health of our nation; and

WHEREAS, this observance is sponsored by the Vegetable Growers Association of America, an organization which has, during its forty-four year history, been a leader in the improvement of vegetable production and marketing; and

WHEREAS, the commercial growers of vegetables in Delaware are ever increasing their crops, both in quantity and variety, and have pledged themselves to a continuing effort to produce more and better vegetables for the nourishment and enjoyment of our own people and those throughout the nation who receive them either fresh or processed; and

WHEREAS, through the improved methods of food processing, Americans are enabled to avail themselves of a balanced and varied vegetable diet the year round, providing the highest standard of nutrition, and thus strength and energy, which has ever been achieved by any people:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim the period of July 31 to August 9 as

NATIONAL VEGETABLE WEEK

in Delaware and commend it to the attention of the public.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this Eighteenth day of July, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-seventh.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 523  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, on September 17, 1787, the Constitution of the United States was adopted by the Constitutional Convention. It was submitted to Congress, and later became the fundamental law of the land; and

WHEREAS, as our nation grew and became great, and as new problems came into being, certain additions were made to our Constitution. The basic document, however, has remained unchanged and unshaken through troubled years to maintain a government, of the people, by the people, and for the people," "to preserve justice, safeguard domestic tranquility, promote the general welfare, and glorify the blessings of liberty"—all of which has made possible The American Way of Life, the like of which is not to be found anywhere else in the world; and

WHEREAS, today, 165 years after its adoption the Constitution of the United States remains the Symbol of Liberty for Freedom-loving people all over the world:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, by virtue of the authority in me vested, do hereby proclaim Wednesday, September 17, 1952, as

CONSTITUTION DAY

and urge all churches, schools, civic and patriotic organizations, as well as every citizen, to arrange and participate in appropriate ceremonies to the end that we, the people, shall have a better understanding of and greater respect for the privileges of liberty, equality, and justice, as guaranteed us by the Constitution.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said  
(GREAT SEAL) State to be affixed here at Dover this Fourth  
day of August, in the Year of Our Lord, One  
Thousand Nine Hundred and Fifty-two, and  
of the Independence of the United States of  
America, the One Hundred and Seventy-seventh.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 524  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, in a large portion of the states of the union, and especially in one neighboring state, there exists a serious outbreak of a contagious, infectious and deadly disease of swine known as Vesicular Exanthema; and

WHEREAS, at the present time there is no evidence that this outbreak has reached the State of Delaware; and

WHEREAS, it is of utmost importance that this disease be prevented from spreading to this state because of the serious threat to the health of the people of Delaware and to the agricultural economy; and

WHEREAS, on the 7th day of August, A. D., 1952, the Delaware State Board of Agriculture has issued a notice of quarantine preventing all importations of swine into this state unless accompanied by a certificate of health issued and/or approved by the chief livestock sanitary official of the state of origin, certifying the swine originates from an area in which no Vesicular Exanthema exists in the county of origin or adjoining counties:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of Delaware, do proclaim throughout the state a

SWINE QUARANTINE

on all importations of swine from within the state for a period as long as the disease of Vesicular Exanthema continues to be a threat.

I direct the Delaware State Police, the Delaware Memorial Bridge Police, the Extension Division of the Agricultural De-

partment of the University of Delaware; and I call upon all county and local law enforcement agencies to give full cooperation to the enforcement of this quarantine.

(GREAT SEAL) IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this Seventh day of August in, the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-seventh.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.



CHAPTER 525  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the Union Label has become an American institution recognized throughout the land as a mark of goods produced under sound American principles and practices; and

WHEREAS, the Union Label stands for the protection of the worker, through fair wages and working conditions; for the protection of the employer by the delivery of a fair day's work by willing and satisfied employees; and for the protection of the consumer through high standards of workmanship by qualified craftsmen; and

WHEREAS, the Union Label is a sign of the cooperation of employers and workers in private industry, which is our best defense against attacks upon private property and private enterprise:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby designate the period of September 1 to 7, 1952, as

UNION LABEL WEEK

in the State of Delaware, and I urge that this Week be observed throughout the State to honor those employers and employees who work together in harmony and efficiency for the common good.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this Twenty-fifth day of August, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-seventh.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS. B. McDOWELL, JR., Secretary of State.

CHAPTER 526

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the first Monday of September is traditionally set aside to honor the workers of America; and

WHEREAS, it is fitting that the contributions of working men and women, both organized and unorganized, to the economy and welfare of the State be suitably recognized by its citizens; and

WHEREAS, in a world threatened by an aggressive form of slavery, free American labor has demonstrated that it is a bulwark of strength in the drive of free peoples everywhere in the world for a just and lasting peace:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do proclaim Monday, September 1, 1952, as

LABOR DAY

and urge the observance of this day by all the people of the state in appropriate ceremonies; and I further request that state, county, city and town governments display on that day the flags of the United States and the State of Delaware.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this Twenty-eighth day of August, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-seventh.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS. B. McDOWELL, JR., Secretary of State.

CHAPTER 527  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, September 17, 1952, marks the 165th anniversary of the adoption of the Constitution of the United States, which has survived as the fundamental law of the land; and

WHEREAS, by action of the 82nd Congress of the United States of America, September 17, 1952, shall be known as Citizenship Day, in recognition of all who have come of age or by naturalization, have attained the full status of citizenship; and

WHEREAS, every American citizen, whether native or foreign born, should reflect on the rights and privileges granted him under the Constitution of the United States, which has become the document of the free throughout the world; and

WHEREAS, this year, special tribute will be paid to one of Delaware's signers, John Dickinson, whose contribution to our title of The First State is well known; and

WHEREAS, citizens of the United States of America and especially of Delaware, should never lose sight of the great heritage which was given them by their forefathers in establishing a democratic form of government in a Republic of associated states:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, by virtue of the authority in me vested, do hereby proclaim, in accordance with Public Law 261, 82nd Congress, the celebration on September 17, 1952, of

CITIZENSHIP DAY

and call for the display of the flag of the United States and the flag of the State of Delaware on all public grounds and buildings,

and I urge the people of our State to observe this day by likewise flying the flags of their nation and state from their homes and by observing this anniversary with appropriate ceremonies in our schools, churches and at public gatherings throughout the State.

(GREAT SEAL) IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this Fourth day of September, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-seventh.

By the Governor:

ELBERT N. CARVEL

HARRIS. B. McDOWELL, JR., Secretary of State.

CHAPTER 528  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, Saturday, October 11, 1952, marks the 173rd anniversary of the death of Brigadier General Casimir Pulaski, who fought valiantly at the side of American patriots in the cause of freedom during the American Revolution; and

WHEREAS, the American people owe an eternal debt of gratitude to General Pulaski for his contribution to the cause of liberty which has forever enshrined him in the hearts and minds of freedom-loving people, and for which he paid the supreme sacrifice in the siege of Savannah:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, by virtue of the laws of this State, do proclaim Sunday, October 12, 1952, as

PULASKI MEMORIAL DAY

and I urge all citizens of Delaware to reflect on the memory of this brave patriot by gathering for special ceremonies in churches, schools and other public places on this day, and I request that the flag of our country be displayed upon all public buildings and other suitable places throughout the State in honor of this great Polish-American Patriot.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this Eighth day of October, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-seventh.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS. B. McDOWELL, JR., Secretary of State.

CHAPTER 529  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, it is in the interest of preserving our economic strength to take every precaution against any loss by fire which may come about through carelessness, negligence or thoughtlessness; and

WHEREAS, we need all of our vital industrial strength for the continued manufacture of materials with which to supply ourselves and our allies in the battle for a free world; and

WHEREAS, needless fires are a great strain on the manpower and equipment of our fire companies in the State, practically all of whose personnel serve in a volunteer capacity and make tremendous contributions to the preservation and protection of our homes and property; and

WHEREAS, by using care and preventative measures we can spare the lives of those who may needlessly perish in flames when sudden conflagrations arise:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, by virtue of the authority in me vested, do hereby designate the week of October 5, 1952, as

FIRE PREVENTION WEEK

and I urge that every man, woman and child in Delaware accept as a personal responsibility the protection of property and the exercising of caution when dealing with fire, either in the home, out-of-doors, in public places or industrial buildings. And furthermore, I urge our schools, churches, farm organizations and civic groups to give special study to fire prevention during this week calling on all citizens to participate fully in this needed prevention program. All State facilities are also hereby directed to take those steps possible to assist in this crusade against the loss of life and property resulting from fires.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said State  
(GREAT SEAL) to be hereunto affixed at Dover this Ninth day  
of October, in the Year of Our Lord, One  
Thousand Nine Hundred and Fifty-two, and  
of the Independence of the United States of  
America, the One Hundred and Seventy-seventh.

By the Governor:

ELBERT N. CARVEL

HARRIS. B. McDOWELL, JR., Secretary of State.

CHAPTER 530

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the Congress, by joint resolution approved on August 11, 1945, designated the first week of October of each year as National Employ the Physically Handicapped Week; and

WHEREAS the many agencies in the State of Delaware continue to render assistance and placement services to the handicapped; and

WHEREAS, the physically handicapped have proven their ability to work efficiently and capably when placed in jobs suitable to their condition and training; and

WHEREAS, the State of Delaware constantly has many physically handicapped men and women in need of employment; and

WHEREAS, these men and women constitute a necessary and valuable source of manpower at a time when essential:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby call upon the people of our State to observe the week beginning October 5, 1952, as

NATIONAL EMPLOY THE PHYSICALLY  
HANDICAPPED WEEK

and to cooperate with the Delaware State Committee on National Employ the Physically Handicapped Week. I also call upon the mayors of municipalities, and other public officials, as well as leaders of industry and labor, of civic, veterans', agricultural, women's, and fraternal organizations, and of other representative groups, to lend their assistance and encouragement in the observance of the designated week, in order to enlist public interest in and support of programs for the employment of the physically handicapped.



IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said State  
to be hereunto affixed at Dover, this Fifteenth day  
(GREAT SEAL) of September, in the Year of Our Lord, One  
Thousand Nine Hundred and Fifty-two, and  
of the Independence of the United States of  
America, the One Hundred and Seventy-seventh.

By the Governor:

ELBERT N. CARVEL

HARRIS. B. McDOWELL, JR., Secretary of State.

CHAPTER 531  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the welfare and education of our children is universally recognized to be of paramount importance to the progress of our State and Nation; and

WHEREAS, wholehearted interest and effort on the part of all citizens toward the solution of our many school problems is a continuing necessity; and

WHEREAS, because of the excellent participation and leadership by Delaware citizens in the educational program, Delaware has become one of the outstanding states in the field of education and it is highly important to encourage broader interest and participation to the people of this State so that our educational institutions may render even finer service and make an even more outstanding contribution to the State:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim the month of October as

PARENT-TEACHER MONTH

and urge that everyone join with this group of devoted citizens in the inspiring work of helping to build in Delaware the best public school system in the United States.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this Nineteenth day of September, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-seventh.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS. B. McDOWELL, JR., Secretary of State.

CHAPTER 532  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, men in all parts of the world are giving thought to the preservation of the freedom of mankind and this freedom can be preserved only if it is based upon those understandings of man and his destiny which are shared by the great religions of our nation; and

WHEREAS, the maintenance of strong and courageous religious faith throughout our great nation is necessary if the nation is to properly perform the duties of leadership expected of it by all the world in these troubled times:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim the period beginning Sunday, September 28 and continuing through Sunday, October 5, 1952, as the twenty-second annual

CHRISTIAN EDUCATION WEEK

and call attention to the fact that many communities in our State will hold inter-church services of thanksgiving and dedication for The Bible on Tuesday, September 30, the day of the first public appearance of the Revised Standard Version of The Bible, and hope that our people will remember that as religious faith is taught with zeal and understanding mankind will remain free.

(GREAT SEAL) IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this Twenty-second day of September, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-seventh.

By the Governor:

ELBERT N. CARVEL

HARRIS. B. McDOWELL, JR., Secretary of State.

CHAPTER 533

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, our Nation's greatest asset is the welfare and health of its people; and

WHEREAS, air pollution of all forms including smoke, is a menace to the health, comfort and economy of thousands of our fellow citizens—men, women and children—since air pollution must be considered in much the same light as the pollution of our streams and lakes; and

WHEREAS, preventable air pollution in any form is a public hazard that can be corrected through intelligent action involving engineering, equipment, research and education; and

WHEREAS, our highly industrialized economy requires the consumption of large quantities of fuels, our State cannot afford to waste these fuels through inefficient combustion and firing methods; and

WHEREAS, for these reasons the abatement of air pollution in all its various forms is of utmost concern to every American citizen:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby designate the week beginning October 20, 1952, as

CLEANER AIR WEEK

and earnestly request that during that week all of us undertake a year-round campaign to abate destructive air pollution from all sources, including smoke, soot, fly-ash, noxious fumes and gases in our homes and in our communities. I also request that the local governments, the chambers of commerce, business, labor, churches, schools, civic groups and agencies of public

information, including newspapers, magazines, and radio, television, and motion picture industries cooperate fully in the observance of CLEANER AIR WEEK. I direct the appropriate agencies of the State Government to assist in arousing public awareness of the need for active participation in this fight for clean air.

(GREAT SEAL) IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this Twenty-fourth day of September, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-seventh.

By the Governor:

ELBERT N. CARVEL

HARRIS. B. McDOWELL, JR., Secretary of State.

CHAPTER 534

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the women of America who are engaged in business or professional careers, and who are members of the Business and Professional Women's Clubs are about to celebrate their 25th anniversary; and

WHEREAS, the contributions of women in business and professional life are not only outstanding but highly necessary in these days of manpower shortages; and

WHEREAS, the women of America, no matter in what capacity they serve, whether it be as wife, mother, secretary, teacher or scientist, have and always will be among our greatest assets; and

WHEREAS, this year the Business and Professional Women's Clubs have adopted as their slogan "The Ramparts We Build," indicating their interest in national and international development, and seeking their advancement; and

WHEREAS, women have demonstrated their capabilities and pioneer qualities as something which they would not only like to have, but which they demonstrate daily through their effort to build an ever-progressing, ever-improving nation through their services:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby designate the week of September 28 to October 4, 1952,

NATIONAL BUSINESS WOMEN'S WEEK

and call upon all civic groups, business organizations, employers, and our churches and schools, to make special note of this observance. I urge them to point out that "The Ramparts We

Build" will be only so strong as those who participate fully in our local and national life makes them so. In this time of stress, we especially urge that women be given a greater opportunity for participation in community, state and national life, and that we pay homage to their great contributions which have been evident from the earliest days of our history.

(GREAT SEAL) IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this Twenty-sixth day of September, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-seventh.

By the Governor:

ELBERT N. CARVEL

HARRIS. B. McDOWELL, JR., Secretary of State.

CHAPTER 535

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, we live in an age in which civilization has been transformed through the discovery of petroleum in commercial quantities; and

WHEREAS, we dwell in a land which is the very symbol of the progress, comfort and security which petroleum makes possible; and

WHEREAS, the week of October 12th to 18th has been designated as Oil Progress Week, when the oil men of this country will cooperate to inform the public of the contributions of their industry both to our high standard of living and to the preservation of our traditional freedoms; and

WHEREAS, the citizens of The State of Delaware who are engaged in producing, transporting, refining and marketing petroleum products desire to participate in the observance of Oil Progress Week by arranging exhibits and joining in various other activities for the purpose of showing how, through initiative, skill and daring, America's competing oil companies serve and will continue to serve the people of this nation and of this state or community:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim the week of October 12th to 18th inclusive as

DELAWARE OIL PROGRESS WEEK

and do call the attention of all men and women to the many contributions and services rendered to us by the American Petroleum Industry, and most particularly to those rendered by the members of that industry who live and work among us, and who we of Delaware know as friends, neighbors and good citizens.



IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said State  
to be hereunto affixed at Dover this Ninth day  
(GREAT SEAL) of October, in the Year of Our Lord, One  
Thousand Nine Hundred and Fifty-two, and  
of the Independence of the United States of  
America, the One Hundred and Seventy-seventh.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 536  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the growing complexity of modern civilization and the serious tensions and problems that are characteristic of our times require the highest standards of intelligent and responsible citizenship; and

WHEREAS, the maintenance of free schools for all the people is the only feasible way to give adequate preparation for living in today's world; and

WHEREAS, plans are being made for the thirty-second annual observance of a special education week by the Delaware State Department of Education and various other state, community and service organizations:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do proclaim the week of November 9-15, 1952, as

AMERICAN EDUCATION WEEK

and do urge all citizens visit their schools during this week to learn more about school programs and school problems and to assist in developing and improving our common schools.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this Twenty-third day of October, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, of the Independence of the United States of America, the One Hundred and Seventy-seventh.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 537  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, one of the greatest privileges and duties of American Citizenship is the exercise of the right of franchise; and

WHEREAS, this obligation of citizenship cannot be enjoyed unless the citizen registers in accordance with the law as a pre-requisite to voting; and

WHEREAS, Saturday, October 18, 1952, has been designated by law as the final registration day before the General Election to be held on November 4, 1952:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim that Saturday, October 18, 1952, be designated as

"REGISTERED CITIZENS DAY"

and I urge each and every eligible citizen of the State who is not properly registered to take advantage of this registration period by going to the registration place in his election district to register for the General Election.

I further urge that all public spirited and civic-minded groups and organizations do everything in their power to get citizens to register and to vote in the General Election scheduled to be held on Tuesday, November 4, 1952.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this Sixteenth day of October, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-seventh.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS. B. McDOWELL, JR., Secretary of State.

CHAPTER 538

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, freedom of expression is one of the greatest gifts of mankind, and one which has been defended and preserved since the birth of the United States of America; and

WHEREAS, great comfort is brought to all of us through the expression of human personality as represented by the poets of our nation and the world at large; and

WHEREAS, since the days when the Psalms of David appeared, man has been comforted by the words of wisdom; the expression of truth which seems to emanate from those who engage in the writing of poetry; and

WHEREAS, poetry, as a medium of faith and hope has been a tower of strength to freedom loving people everywhere and continues to exercise its influence on them:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim Wednesday, October 15, 1952, as

POETRY DAY

and I urge my fellow citizens to cooperate in this observance by, on this day, turning to a good book of poems, or the Holy Bible and be refreshed by the influence which the words of encouragement, of hope and praise sung by the poets can give all of us. And further, I encourage our teachers and students to contribute to this great and powerful medium as a prime manner in which to record the moving events of our present days so that they may be preserved for posterity.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said State  
(GREAT SEAL) to be hereunto affixed at Dover this Sixteenth  
day of October, in the Year of Our Lord, One  
Thousand Nine Hundred and Fifty-two, and  
of the Independence of the United States of  
America, the One Hundred and Seventy-seventh.

By the Governor:

ELBERT N. CARVEL

HARRIS. B. McDOWELL, JR., Secretary of State.

CHAPTER 539  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the branch of medical science dealing with the blood is known as hematology, in which great progress has been made in recent years through constant experimentation; and

WHEREAS, scientists have been successful in these studies to bring relief and cure for blood disorders, including pernicious anemia, and others, which in the past have added hundreds of casualties to our mortality rates; and

WHEREAS, it is only by the continuing work of our greatest medical minds that we can look forward to curbing the deaths and illnesses due to these dread blood diseases:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby declare that the week of November 10 to 17, 1952, shall be observed as

HEMATOLOGY RESEARCH WEEK

and I call upon all our citizens to make themselves aware of the progress underway in this field, which will alleviate suffering and death in the future, and to encourage those thus engaged to carry on in their endeavor to benefit humanity by the elimination of these illnesses. I further hope that those who may be affected by diseases of the blood will offer themselves for experimental purposes, thus contributing to the greater welfare of our nation and the world.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this Twenty-eighth day of October, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, of the Independence of the United States of America, the One Hundred and Seventy-seventh.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 540  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, tuberculosis is still one of the leading causes of death in the State of Delaware, and takes more lives than all other infectious diseases; and

WHEREAS, the tuberculosis death rate in our State is higher than most of the States in the United States; and

WHEREAS, the State Board of Health which is ever striving to better conditions in our State tubercular institutions, greatly appreciates the assistance which the Delaware Anti-Tuberculosis Society has given in the past years; and

WHEREAS, remarkable gains have been made against tuberculosis in the past forty-five years; and

WHEREAS, the work of the Delaware Anti-Tuberculosis Society has been supported since 1907 by the annual Christmas Seals, a method of support founded and for many years promulgated by the late Emily Bissell:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby officially designate the period from November 17th to December 25th as

CHRISTMAS SEAL MONTH

and I urge the citizens of the State to continue their generous support of the Delaware Anti-Tuberculosis Society by buying and using the 1952 Christmas Seals during the month designated above.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover this Sixth Day of November, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-seventh.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 541  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, The men and women of the United States Marine Corps have served their country and their Corps well and faithfully throughout their long history from the American Revolution in 1775 to the shores and fields of Korea in 1952; and

WHEREAS, on November tenth of this year, the United States Marine Corps, pioneers in amphibious warfare, shall celebrate its 177th Anniversary as an American fighting force for liberty and justice on the land, upon the sea, and in the air:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby call upon the people of the State of Delaware to observe November 10, 1952, as the

117TH ANNIVERSARY OF THE UNITED STATES  
MARINE CORPS

in an appropriate manner, whether publicly or privately, and ask that all citizens call to mind the motto of the Corps "Semper Fidelis," Always Faithful! We remember the heroes of the past and present and, particularly, ask God's blessing upon those Marines, both living and dead, who have fought and are fighting for us in Korea against naked aggression and Godless tyranny.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the State of Delaware to be hereunto affixed at Dover, this  
(GREAT SEAL) Seventh day of November, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-two, and of the Independence of the United States of America, the One Hundred and Seventy-seventh.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.



CHAPTER 542

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

More than three centuries ago a small band of people, endowed with a desire for individual freedom and the right to worship God in a manner of their own choosing, braved the seas and landed on the shores of North America. There they established homes fashioned from wood of nearby forests, and began clearing the land so that food could be grown for their continued existence.

At the end of a year the colony had progressed. It had made friends of the native Indians and had won their confidence. Through piety and fair dealing colonists had won their fight in the new land and looked to the future with uplifted eyes.

But they did not forget the prime source and inspiration for all which they had accomplished. They were firm believers in the power of Almighty God, and in recognition of His bounty unto them, set aside one day in which to give thanks for the blessings which had accrued to them.

Judged by the standards of today, these hardy pioneers had little enough for which to be thankful. They had to fight wintry blasts; lack of supplies, illness and suffering. But their high spirit and faith did not yield to the roadblocks in their paths. Their day of Thanksgiving established a new custom which was to forever be followed.

Today, despite the hate and turmoil in which the world finds itself, we as Americans and Delawareans have much for which to be thankful. Generally we are blessed with comfortable homes; fine families and abundance of worldly goods. For us, this bounteous land has been more than blessed, and we look again this year, as did those pioneers, to the Giver of All Gifts for His kindness and mercy.

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby set aside and proclaim

THURSDAY, THE TWENTY-SEVENTH DAY OF  
NOVEMBER, A. D., 1952, AS A DAY OF  
PRAYER AND THANKSGIVING

and call upon the people of this State to mark this day with appropriate observances in houses of worship, in our homes or the homes of our friends. Remembering that the home is our firm foundation, it is there that we should continue to instruct our children in the significance of this day and with them humbly thank God for His manifold blessings. We should also pray for those in the service of their country and ask for their guidance and protection. If it is the Divine Will, we should ask for a speedy return to peace in the world.

In this acknowledgment of our great heritage of liberty, and religious freedom let us display the flags of our State and country throughout Delaware on this day.

IN WITNESS WHEREOF, I have hereunto set my hand  
and affixed the Great Seal of the State of Delaware, this Twenty-first day of November, in the  
Year of Our Lord, One Thousand Nine Hundred  
(GREAT SEAL) and Fifty-two, and of the Independence of the  
United States of America, the One Hundred and  
Seventy-seventh.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 543

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, for the first time in our history an enemy has the power to loose the tremendous destructive power of modern weapons on the American mainland; and

WHEREAS, our military leaders have emphasized time and again that in the face of modern weapons of mass destruction, military measures alone cannot protect our vital industries from being destroyed and our people from being killed; and

WHEREAS, our National Civil Defense program as a whole has not yet reached the level of preparedness essential to our national security, thus creating a dangerous unbalance in our total preparedness; and

WHEREAS, a strong civil defense military program is not just a shield, but a sword; without preparedness on the home front, we are inviting attack. With such preparedness, Civil Defense can be a major force in helping keep the peace; and

WHEREAS, the kind of home defense program strong enough to protect our homeland requires individual action and complete community support:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim the period from Armistice Day to Thanksgiving Day (November 11 to 27, 1952) as a special time for home defense action by all our citizens, and do call upon every citizen and every organized group in each community to reaffirm our national unity and devotion as Americans and to participate in our Civil Defense "Pledge for Home Defense" Campaign; thus expressing our active rededication as a free people by voluntarily signifying willingness to train ourselves and members of our families in self-protection and to be

included in a register of potential volunteers from which our Civil Defense Organization can select volunteer leaders for specialized civil defense training in the months to come.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said State  
to be hereunto affixed at Dover, this Twelfth  
(GREAT SEAL) day of November, in the Year of Our Lord, One  
Thousand Nine Hundred and Fifty-two, and  
of the Independence of the United States of  
America, the One Hundred and Seventy-seventh.

By the Governor:

ELBERT N. CARVEL

HARRIS B. MCDOWELL, JR., Secretary of State.

CHAPTER 544  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the rulers of the Kremlin continue their unceasing exploitation of the masses by corrupting the morals and spirit of mankind through political trickery and propaganda falsehoods; and

WHEREAS, the overwhelming majority of Americans, regardless of party affiliation and differences over domestic political issues, are united in their opposition to Communism and have no desire to exchange their heritage of freedom for the strangling effects of Communism and the uncertainties of totalitarian dictatorship; and

WHEREAS, more than 30 million Americans of all races, creeds and colors have voluntarily enrolled in the Crusade for Freedom within the past two years, and have pledged their moral and financial support to halt the spread of Communism throughout the world, and have endorsed the efforts of the Crusade for Freedom to use every legitimate means to help the prisoner peoples behind the Iron Curtain to regain the blessings of freedom and liberty which have been taken from them by their Communist rulers:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim the period of November 14 to December 15, 1952, as

CRUSADE FOR FREEDOM MONTH

and call upon all citizens of Delaware to reaffirm their faith in the American way of life by enrolling again in the 1952 Crusade for Freedom, and contributing to its financial support, and thereby serving notice upon the world that as free Americans, proud of the heritage which has been handed to us, we are willing to stand up and be counted against Communism and to pledge anew our faith in God and our devotion to the principles of Democracy.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said State  
(GREAT SEAL) to be hereunto affixed at Dover, this Twelfth  
day of November, in the Year of Our Lord, One  
Thousand Nine Hundred and Fifty-two, and  
of the Independence of the United States of  
America, the One Hundred and Seventy-seventh.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 545  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

ELBERT N. CARVEL  
GOVERNOR OF THE SAID STATE

*To all Persons to whom these Presents shall come, Greeting:*

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 4th day of November, in the year of our Lord one thousand nine hundred and Fifty-two that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of a GOVERNOR OF THE STATE OF DELAWARE.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the said counties respectively for such Governor were cast as follows, to wit:

NEW CASTLE COUNTY

Elbert N. Carvel .....	55,985
James Caleb Boggs .....	62,769

KENT COUNTY

Elbert N. Carvel .....	9,853
James Caleb Boggs .....	9,797

SUSSEX COUNTY

Elbert N. Carvel .....	15,934
James Caleb Boggs .....	16,411

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Governor the result appears as follows, to wit:

Whole number of votes for Elbert N. Carvel ..... 81,772

Whole number of votes for James Caleb Boggs ..... 88,977

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby declare that James Caleb Boggs has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Governor of and for the State of Delaware.

(GREAT SEAL) GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the Thirteenth day of November in the year of our Lord one thousand nine hundred and Fifty-two and of the Independence of the said State the one hundred and Seventy-seventh.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.



CHAPTER 546  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

ELBERT N. CARVEL  
GOVERNOR OF THE SAID STATE

*To all Persons to whom these Presents shall come, Greeting:*

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 4th day of November, in the year of our Lord one thousand nine hundred and Fifty-two that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Constitution and Laws of the State of Delaware, in that behalf, for the purpose of choosing by ballot three Electors for the election of a

PRESIDENT AND VICE PRESIDENT  
OF THE UNITED STATES;

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the said counties respectively for such Electors, were cast as follows, to wit:

NEW CASTLE COUNTY

C. Edward Duffy .....	62,658
John F. McDonald .....	62,658
Caleb M. Wright .....	62,658
E. Ennalls Berl .....	58,387
Mrs. Belle Everett .....	58,387
Gilbert Jones .....	58,387
Martha Grabowski .....	237
Helen E. Jerominski .....	237
Walter J. Jerominski .....	237
Hamilton D. Ware .....	78
Sylvia Walton .....	78

Harriet Wealth .....	78
Samuel G. Camperson, Jr. ....	20
Herbert B. Wood .....	20
Thomas J. Sard .....	20
Miles Barber .....	16
John Wiskman .....	16
Dorothy Jones .....	16

## KENT COUNTY

C. Edward Duffy .....	10,144
John F. McDonald .....	10,144
Caleb M. Wright .....	10,144
E. Ennalls Berl .....	9,874
Mrs. Belle Everett .....	9,874
Gilbert Jones .....	9,874
Martha Grabowski .....	1
Helen E. Jerominski .....	1
Walter J. Jerominski .....	1
Hamilton D. Ware .....	77
Sylvia Walton .....	77
Harriet Wealth .....	77
Samuel G. Camperson, Jr. ....	8
Herbert B. Wood .....	8
Thomas J. Sard .....	8
Miles Barber .....	4
John Wiskman .....	4
Dorothy Jones .....	4

## SUSSEX COUNTY

C. Edward Duffy .....	17,257
John F. McDonald .....	17,257
Caleb M. Wright .....	17,257
E. Ennalls Berl .....	15,054
Mrs. Belle Everett .....	15,054
Gilbert Jones .....	15,054
Martha Grabowski .....	4
Helen E. Jerominski .....	4
Walter J. Jerominski .....	4
Hamilton D. Ware .....	none
Sylvia Walton .....	none
Harriet Wealth .....	none

Samuel G. Camperson, Jr. ....	206
Herbert B. Wood .....	206
Thomas J. Sard .....	206
Miles Barber .....	none
John Whiskman .....	none
Dorothy Jones .....	none

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Electors, the result appears as follows, to wit:

Whole number of votes for C. Edward Duffy .....	90,059
Whole number of votes for John F. McDonald .....	90,059
Whole number of votes for Caleb M. Wright .....	90,059
Whole number of votes for E. Ennalls Berl .....	83,315
Whole number of votes for Mrs. Belle Everett .....	83,315
Whole number of votes for Gilbert Jones .....	83,315
Whole number of votes for Martha Grabowski .....	242
Whole number of votes for Helen E. Jerominski .....	242
Whole number of votes for Walter J. Jerominski .....	242
Whole number of votes for Hamilton D. Ware .....	155
Whole number of votes for Sylvia Walton .....	155
Whole number of votes for Harriet Wealth .....	155
Whole number of votes for Samuel G. Camperson, Jr. ..	234
Whole number of votes for Herbert B. Wood .....	234
Whole number of votes for Thomas J. Sard .....	234
Whole number of votes for Miles Barber .....	20
Whole number of votes for John Whiskman .....	20
Whole number of votes for Dorothy Jones .....	20

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby declare that C. Edward Duffy, John F. McDonald and Caleb M. Wright have received the highest vote at the election aforesaid, and therefore have been and are duly and legally elected Electors for the election of a President and Vice President of the United States.

(GREAT SEAL)      GIVEN UNDER MY HAND and the Great Seal of the  
said State, at Dover, the Thirteenth day of  
November in the year of our Lord one thousand  
nine hundred and Fifty-two and of the Inde-  
pendence of the said State the one hundred and  
Seventy-seventh.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 547  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

ELBERT N. CARVEL  
GOVERNOR OF THE SAID STATE

*To all Persons to whom these Presents shall come, Greeting:*

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 4th day of November, in the year of our Lord one thousand nine hundred and Fifty-two that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of a LIEUTENANT GOVERNOR OF THE STATE OF DELAWARE.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the said counties respectively for such Lieutenant Governor were cast as follows, to wit:

NEW CASTLE COUNTY

Vernon B. Derrickson .....	57,105
John W. Rollins .....	61,168

KENT COUNTY

Vernon B. Derrickson .....	10,197
John W. Rollins .....	9,351

SUSSEX COUNTY

Vernon B. Derrickson .....	15,998
John W. Rollins .....	16,103

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Lieutenant Governor the result appears as follows, to wit:

Whole number of votes for Vernon B. Derrickson . . . . . 83,300

Whole number of votes for John W. Rollins . . . . . 86,622

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby declare that John W. Rollins has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Lieutenant Governor of and for the State of Delaware.

(GREAT SEAL) GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the Thirteenth day of November in the year of our Lord one thousand nine hundred and Fifty-two and of the Independence of the said State the one hundred and Seventy-seventh.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 548  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

ELBERT N. CARVEL  
GOVERNOR OF THE SAID STATE

*To all Persons to whom these Presents shall come, Greeting:*

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 4th day of November, in the year of our Lord one thousand nine hundred and Fifty-two that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of a AUDITOR OF ACCOUNTS OF THE STATE OF DELAWARE.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the said counties respectively for such Auditor of Accounts were cast as follows, to wit:

NEW CASTLE COUNTY

Clifford Hall .....	57,032
G. Dan Enterline, Sr. ....	60,998

KENT COUNTY

Clifford Hall .....	9,857
G. Dan Enterline, Sr. ....	9,654

SUSSEX COUNTY

Clifford Hall .....	15,510
G. Dan Enterline, Sr. ....	16,556

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Auditor of Accounts the result appears as follows, to wit:

Whole number of votes for Clifford Hall ..... 82,399

Whole number of votes for G. Dan Enterline, Sr. .... 87,208

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby declare that G. Dan Enterline, Sr. has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Auditor of Accounts of and for the State of Delaware.

(GREAT SEAL) GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the Thirteenth day of November in the year of our Lord one thousand nine hundred and Fifty-two and of the Independence of the said State the one hundred and Seventy-seventh.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.



CHAPTER 549  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT

PROCLAMATION

ELBERT N. CARVEL  
GOVERNOR OF THE SAID STATE

*To all Persons to whom these Presents shall come, Greeting:*

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 4th day of November, in the year of our Lord one thousand nine hundred and Fifty-two that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Constitution and Laws of the State of Delaware, in that behalf, for the election of a Representative for the people of the said State, in the EIGHTY-THIRD CONGRESS OF THE UNITED STATES.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the said counties respectively for such Representative were cast as follows, to wit:

NEW CASTLE COUNTY

Joseph J. Scannell .....	56,609
Herbert B. Warburton .....	61,804

KENT COUNTY

Joseph J. Scannell .....	9,856
Herbert B. Warburton .....	9,670

SUSSEX COUNTY

Joseph J. Scannell .....	15,265
Herbert B. Warburton .....	16,811

AND WHEREAS, The said returns of the election for the choice of a Representative of and for the said State in the Eighty-third Congress of the United States, as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or persons voted for, for such Representative, the result appears as follows, to wit:

Whole number of votes for Joseph J. Scannell ..... 81,730

Whole number of votes for Herbert B. Warburton ..... 88,285

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby declare that Herbert B. Warburton has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Representative of and for the State of Delaware in the Eighty-third Congress of the United States.

(GREAT SEAL) GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the Thirteenth day of November in the year of our Lord one thousand nine hundred and Fifty-two and of the Independence of the said State the one hundred and Seventy-seventh.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 550  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

ELBERT N. CARVEL  
GOVERNOR OF THE SAID STATE

*To all Persons to whom these Presents shall come, Greeting:*

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 4th day of November, in the year of our Lord one thousand nine hundred and Fifty-two that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the Constitution and Laws of the State of Delaware, in that behalf, for the election of a Senator for the people of the said State, in the Senate of the United States for the Constitutional term, to commence on the sixth day of January in the year of our Lord one thousand nine hundred and Fifty-three.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the said counties respectively for such Senator were cast as follows, to wit:

NEW CASTLE COUNTY

Alexis I. duPont Bayard .....	54,955
John J. Williams .....	64,000

KENT COUNTY

Alexis I. duPont Bayard .....	9,172
John J. Williams .....	10,380

SUSSEX COUNTY

Alexis I. duPont Bayard .....	13,558
John J. Williams .....	18,640

AND WHEREAS, The said returns of the election for the choice of a Senator of and for the said State in the Senate of the United States, as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Senator, the result appears as follows, to wit:

Whole number of votes for Alexis I. duPont Bayard . . . 77,685

Whole number of votes for John J. Williams . . . . . 93,020

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby declare that John J. Williams has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected Senator of and for the State of Delaware in the Senate of the United States for the Constitutional term to commence on the Sixth day of January in the year of our Lord one thousand nine hundred and Fifty-three.

GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the Thirteenth day of November in the year of our Lord one thousand nine hundred and Fifty-two and of the Independence of the said State the one hundred and Seventy-seventh.

(GREAT SEAL)

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 551  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

ELBERT N. CARVEL  
GOVERNOR OF THE SAID STATE

*To all Persons to whom these Presents shall come, Greeting:*

WHEREAS, An election was held in the State of Delaware, on Tuesday, the 4th day of November, in the year of our Lord one thousand nine hundred and Fifty-two that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution and Laws of the State of Delaware, in that behalf, for the election of a TREASURER OF THE STATE OF DELAWARE.

AND WHEREAS, The official certificates or returns, of the said election, held in the several counties of the said State, having been duly received and examined by the Governor, it appears from them that the votes in the said counties respectively for such Treasurer were cast as follows, to wit:

NEW CASTLE COUNTY

Robert H. Reed .....	56,951
Clarence Collins, Jr. ....	61,104

KENT COUNTY

Robert H. Reed .....	10,450
Clarence Collins, Jr. ....	9,129

SUSSEX COUNTY

Robert H. Reed .....	15,537
Clarence Collins, Jr. ....	16,540

AND WHEREAS, The said returns of the election as aforesaid, duly made out, signed and executed, having been duly delivered to the Governor by the Superior Court of said counties, and the Governor having examined said returns as aforesaid, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Treasurer the result appears as follows, to wit:

Whole number of votes for Robert H. Reed ..... 82,938

Whole number of votes for Clarence Collins, Jr. .... 86,773

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby declare that Clarence Collins, Jr., has received the highest vote at the election aforesaid, and therefore has been and is duly and legally elected the Treasurer of and for the State of Delaware.

(GREAT SEAL) GIVEN UNDER MY HAND and the Great Seal of the said State, at Dover, the Thirteenth day of November in the year of our Lord one thousand nine hundred and Fifty-two and of the Independence of the said State the one hundred and Seventy-seventh.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 552  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, December 15, 1952, marks the 161st anniversary of the adoption of the first 10 amendments to the Constitution of the United States, our time-honored document of freedom, the Bill of Rights; and

WHEREAS, by free and active use of the precious right of free speech, keystone to the Bill of Rights, the entire world has recently witnessed the people of the United States engage in a free election—democracy's most prized possession—giving, in the traditional American manner, free expression to private and diverse opinions, without fear, on controversial and public issues; and

WHEREAS, in contrast to the tyranny of Communist and other totalitarianism, the life, liberty, and property of the people of the United States is protected against deprivation, except by due process of law—fair trial and fair hearing—under the Bill of Rights; and

WHEREAS, the principle of equality is being etched more sharply and strongly each day, in all facets of our national life, demonstrating to the free world that our Bill of Rights is a bastion of personal freedom; and

WHEREAS, the strain growing out of our world-wide conflict with Communist dictatorship can, sometimes, result in a departure from the principles of free speech, due process and equality, the principles which distinguish us so clearly from totalitarianism:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby proclaim Monday, December 15, 1952, as

BILL OF RIGHTS DAY

and urge all citizens in our homes, educational institutions, religious, fraternal and other organizations, to observe that day and

to foster maintenance and reinforcement of the Bill of Rights, our civil liberties, which are the core of our national strength and faith.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said State  
(GREAT SEAL) to be hereunto affixed at Dover this Fifth day  
of December, in the Year of Our Lord, One  
Thousand Nine Hundred and Fifty-two, and  
of the Independence of the United States of  
America, the One Hundred and Seventy-seventh.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.



CHAPTER 553  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, December 7, 1952, marks the 165th anniversary of Delaware's ratification of the Constitution of the United States; and

WHEREAS, on December 7, 1787, the unanimous action of 30 colonial citizens and patriots in convention assembled, automatically gave Delaware its title of First State; and

WHEREAS, through persistent effort, citizens today continue to help preserve our God-given heritage by dedicating homes and public buildings used by early patriots as living memorials to their pioneering spirit and leadership; and

WHEREAS, because of the importance attached to this day, the General Assembly of the State of Delaware, by resolution on November 29, 1933, authorized and directed the Governor to issue an annual proclamation calling attention to this historic occasion:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby designate and proclaim Sunday, December 7, 1952, as

DELAWARE DAY

and urge each citizen to once more count his blessings as a free American and as an integral part of this State, by displaying our State and National flags, and by conducting exercises and ceremonies in all of our schools, churches, and civic associations, with emphasis in the great part we have played in the founding of our Republic.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said State  
(GREAT SEAL) to be hereunto affixed at Dover this First Day  
of December, in the Year of Our Lord, One  
Thousand Nine Hundred and Fifty-two, and  
of the Independence of the United States of  
America, the One Hundred and Seventy-seventh.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 554  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the women of our State and Nation are the Homemakers on whom we depend to nourish their families, nurse their ills and guide their lives from the cradle to maturity; and

WHEREAS, these same Homemakers have shown their devotion and loyalty to their state and country by their constant contributions in many fields of activities outside their homes, which have helped to strengthen our institutions of learning, our churches and our many public services; and

WHEREAS, each citizen should be grateful for the spiritual values, the guidance and continued loyalty of the women who serve humanity so well in rearing citizens of the future and preparing them for participation in the American concept of life:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, do hereby set aside the week of November 23 to 27, 1952, as

**HOMEMAKERS WEEK**

in the State of Delaware, and call upon all citizens, especially those most closely associated with our ladies—their husbands and fathers—to take special cognizance during this week of their contribution to society, to the community and the home. I call on our church, school and civic leaders to pay those tributes due these Homemakers while we contemplate another season of Thanksgiving, and include them in our prayers and thoughts in the days ahead.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the State of  
Delaware to be hereunto affixed at Dover, this  
(GREAT SEAL) Twenty-second day of November, in the Year  
of Our Lord, One Thousand Nine Hundred and  
Fifty-two, and of the Independence of the United  
States of America, the One Hundred and Seven-  
ty-seventh.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 555  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the people of the world will long benefit from the scientific knowledge and the courage of George Washington Carver, the anniversary of whose death on January 5, 1943, we continue to mourn; and

WHEREAS, it is fitting that we pay tribute to an American, who, rising from the lowly birth of a slave, continued his endeavor to benefit mankind, despite a physical handicap; despite the ugly head of prejudice, which at times was raised against him; and

WHEREAS, his experiments in the field of agricultural chemistry and dietetics raised standards in those fields to unprecedented heights, beneficial to the farmer, the worker and finally the consumer; and

WHEREAS, through the efforts of the National Achievement Clubs, Inc., Congress has officially proclaimed January 5 of each year as George Washington Carver Day:

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware, following the example of the Congress of the United States in an expression of gratitude for his services to his country and mankind, and by virtue of the authority in me vested, do hereby proclaim January 5, 1953, as

GEORGE WASHINGTON CARVER DAY

in Delaware, and urge that all citizens, regardless of race, color or creed, join in their churches, schools and civic associations in paying tribute to this master scientist. I further urge that all Delawareans, in cooperation with the National Achievement Clubs, Inc., take those steps which will help to perpetuate the value and worth of George Washington Carver in the minds and hearts of all of us.

IN WITNESS WHEREOF, I, Elbert N. Carvel, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said State  
(GREAT SEAL) to be hereunto affixed at Dover this Thirtieth day  
of December, in the Year of Our Lord, One  
Thousand Nine Hundred and Fifty-two, and  
of the Independence of the United States of  
America, the One Hundred and Seventy-seventh.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 556  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, Howard S. Abbott, Tax Commissioner on behalf of the Tax Department of the State of Delaware, has reported to me a list of corporations which for two years preceding such report have failed to pay the taxes assessed against them and due by them under the laws of this State.

NOW, THEREFORE, I, Elbert N. Carvel, Governor of the State of Delaware do hereby issue this proclamation according to the provisions of Sections 75 and 76, Chapter 6, of the Revised Statutes of 1915, as amended, and do hereby declare under this act of the Legislature that the charters of the following corporations, reported as aforesaid, are repealed.

VOID LIST

A & A Corp., A. C. Sanger & Company, Inc., A Day Ahead New York. . . . Washington News Forecasting Service, Inc., A. H. Woods, Ltd., A. Melville Cox, Inc., A. N. Ascosi & Sons Tile and Marble Co., Inc., A & S Company, The, Abbott Construction Co., Inc., Accounting Associates, Inc., Adeo Oil Corporation, Admiral Roofing Co., Adventurers, Inc., Advertisers Manufacturing Corporation, Advisory Services Corporation, Aetna Heat Treating Company, Africa Foundation, Inc., The, Air Contractors, Inc., Airplane Leasing Corporation, Ajax Corporation, Alaska Handy Gold Mining Company, The, Albert's Tobacco Shop, Inc., Alex. Guerrina & Sons, Inc., Allegheny Lumber Company, Allen Oil Company, Inc., Allied Machinery Corporation, Aloha Hosiery Corporation, Alpha Associated Industries, Inc., Alpine Corporation, The, Altico of Delaware, Inc., Aluminum Building Company, Inc., Am-Bra Minerals Co., Inc., Amanarap Corporation, Amanda Expedition, Inc., Amca Industries, Inc., Amelia Island Realty Company, Amerad, Inc., American Action, Inc., American Aggregates Corporation, American Armament Corporation, American Burglar Alarm Company,

Inc., American Centrifugal Steel Casting Corporation, American College of Cardiologists, Inc., American Cotton Waste Controllers, Inc., American Embalming & Chemical Company, American Graphic Art Productions, Incorporated, American Indonesian Corporation, American Oil Explorers, Inc., American Plaston Corporation, American Rawmat, Inc., American Steel and Tube Corporation, Amerikan Produits (AE) Inc., Amphibole Asbestos Corporation, Andastaka Tribe, No. 14, Improved Order of Red Men, Anthracite Investment Corporation, Apollo Records, Inc., Arctic Circle Exploration, Incorporated, Arctic Mines, Inc., Arizona Manor Resort, Inc., Arnold Best Company, Arpin Products, Inc., Artcraft Greeting Card Co., Arthur L. Swift and Associates, Inc., Associated Civil Employees, Inc., Associated Management Corporation, Associated Supply Co., Inc. of Washington, D. C., Atlantic City Estates of Delaware, Inc., Atlantic Northern Airlines, Inc., Atlantic Seaboard Steel Corporation, Atomage, Inc., Atomic Cleaners & Dyers, Inc., Auto-Bookstalls, Incorporated, Auto Credit Corporation, Auto-Juice Corporation, Automatic Assorting Machine Company, Automatic Computing Cash Register Corporation, Automatix, Inc., Automotion Pictures, Inc., Automotive Products, Inc., Avca Reclamation Company, Inc., Aviation Schools & Sales Corporation, Avin Corporation.

B. T. Realty Corporation, Back Bay Producing Corporation, Badad Insulating Boards Corporation of Palestine, Barnett Supply Company, Inc., Baumgarten Company of Washington, The, Bay Brook Oil & Gas Co., Inc., Beacon Laboratories, Inc., Beale, Inc., Bell Finance Corporation, Bell Lock Company, Bellamy-Hess-Carlson Corporation, Ben Datlow, Inc., Bernstein Brothers, Inc., Bert K. Silverman, Inc., Best Hardware, Inc., Beth Sholom Community Center, Inc., Bethany Beach Improvement Company, The, Better Homes & Kitchens Company, Bianca Oceanic Carrier, Ltd., Bio-Electronic Corporation, Black Diamond Consolidated Mining Co., Blackstone Athletic Club, Incorporated, Blackstone Industrial Corporation, Blaine Properties, Inc., Bleakley Corporation, The, Bloodhound Club of America, The, Boat Trades Association, Inc., Bombi, Incorporated, Bonded Lighting Corporation of America, Bonthorn, Inc., Bonus Book, Inc., Board Jewelry Co., Inc., Bortman Construction Co., Inc., Boss Bolt & Nut Company, Bound Brook Liquor Store, Inc., Bowdle's Store, Inc., Boyco Engineering, Inc., Bradshaw American Industries,



Inc., Bremrich Corporation, Brentwood Drugs, Inc., Briskers Inc., Britton Drilling Corporation, Britton Oil Co., Inc., Bromo-Aspirin Manufacturing Company, Brunter-Sykes, Inc., Buffalo Dad's Root Beer Bottling Company, Inc., Builders Corporation of America, Burns-Carroll Company, Burns Motor Company, Business Betterment Surveys, Inc., Buttercup Farms, Inc., Buy-N-Sell Services, Inc.

C and A, Inc., C. & D. Oil Company, Inc., C. V. S. Corporation, C. W. Capps & Company of Memphis, Caldwell Systems, Inc., Canpaul International, Inc., Canby Park Club, Inc., Cape Henlopen Surf Club, Capital Associates, Inc., Capital Broadcasting System, Inc., Capital Butter & Egg Co., Inc., Capital Egg Company, Capital 5c to \$1.00 Stores, Inc., Capital Freezers Co., Inc., Capital Investments, Inc., Capital Management Company, Capital Radiant Glass Heater Corp., Capitol Homes, Inc., Capitol Mail Order Co., Inc., Capitol Sales and Distributing Company, Capitol Square Dance, Inc., Carr Sales Corp., Carroll Music Company, Carver Memorial Funeral Services, Inc., Casa Loma Orchestras, Inc., Casa Mia, Inc., Central Railway Signal Company, Inc., Century Petroleum Corporation, Cesco Manufacturing Company, Challenger Airlines Company, Champ Oil Company, Charles A. Knox Construction Co., Inc., Charles E. Carhart, Inc., Charles F. Cassidy Company, Incorporated, Chastleton Co-Operative Apartment, Inc., Chavannes Affiliated Industries, Inc., Children's Village, Inc., China Travel & Transportation Corp., Chotas Bros. Builders, Inc., Church of God, The Faith of David, Inc., The, Clayton Products Inc., Cloverly Fabrics, Inc., Coastal Air Lines, Inc., Colonial Engineering Corporation, Columbia Amusement Bureau, Inc., Columbia Beverage Company, Columbia Contractors, Inc., Columbia Services, Inc., Commander Cab Co., Inc., Community Development Company, The, Compton Oil Corporation, Concord Beverage Co., Congressional Publishers Incorporated, Conn. Ave. Cafe, Inc., Consolidated Aviation Industries, Inc., Consolidated Control Corporation, Constructional Systems Corporation, Constructioners, Inc., Continental Mining & Engineering Corporation, Contract Airlines of Alaska, Inc., Convertible Television, Inc., Copacabana Restaurant, Incorporated, Corfu, Inc., Corporations Incorporated, Cosmos International Corporation, Cradock Drive-In Theatre, Inc., Credi-Card Corporation, Custom Homes, Inc.

D. C. Restaurant Corp., Da-Cal Mining Company, Inc., The, Dagwood's, Inc., Dancing Assemblies, Inc., Darby Coal Corporation, Darling Shoe Co., Inc., Daughters of Veterans of Foreign Wars, Inc., Davenport Associates Inc., Davenport Terrace Co-Operative Apartment, Inc., David Jewelers, Inc., David L. Moss & Co., Inc., - China, David Sales, Inc., Day-Baruch Commercial Corporation, Dean Foods Inc., Deane Liquors, Inc., Del-Penn Construction Co., Del-Rey Candy Corporation, Del-Tex Construction Corporation, Delaware's Atlantic Shores, Incorporated, Delaware Builders, Inc., Delaware Decorators, Inc., Delaware Fly Control Company, Inc., Delaware Greyhound Racing Association, Inc., The, Delaware Hosiery and Lingerie Co., Delaware Markets, Inc., Delaware Meat Cutters Institute, Inc., Delaware Poultry Co., Delaware Refrigeration and Heating Company, Deleo Ice and Fuel Company, Delta Manhattan Company, Inc., Delwil Consolidated Industries, Inc., Devonshire Valet, Inc., Diamond State Drive-In Theatre, Inc., Diamond State Liquors, Inc., Diamond State Specialty Co., Dickson & Company, Inc., Dispenser Corporation of America, Display Center, Inc., Distributors Acceptance Corp., District Advertising Agency, Inc., District of Columbia Citizen Publishing Co., Diwane, Inc., Dixie Enterprises, Inc., Doctor Best-M. L. Herzig, M. D. Psychoanalysis-Nuture Society, Dr. Pepper Bottling Company of Wilmington, Dodge Chemical and Manufacturing Co., Donett "Hit" Records, Inc., Dorsil Distributing Company, Dot Bldg. Co., Dover Factors, Inc., Dover Post No. 2, Delaware Veterans of World War II, Inc., Doyle Industries, Inc., Drake Investment Corporation, Drake Southeast Corporation, Driggs Engineering Corporation, Drummond Sand & Gravel Corporation, Du-Rite Sales Corporation, Dudley Patents Company, Duerst Natural Grain Breads, Inc., Dun Evan Properties Inc., Duplex Jet Pump Company, Inc.

E. Tressing and Company, E-Z Open Cap Company, Earth Products, Inc., East Coast Shellfish, Inc., East Girard Amusement Co., Inc., Eastern Broadcasting Company, Eastern Circus Equipment Company, Inc., Eastern Supply Company, Inc., The, Eclipse Company, Ecuadorian Land & Banking Corporation, Edge-Water Mansions, Inc., Edwin M. Concklin, Inc., Egg-Safety Carton Company, Inc., Egg Vending Machine Company, El Dror Air Transport Corp., Elastomer Sales Co., Electric Power Equipment Corporation, Electrical Products Securities Corpor-

ation, Electronic Products, Inc., Elk Building Company, Ellyn Deleith, Inc., Embassy Publishing Company, Empire Hotel Corporation of Delaware, Empire Tucker Sales Corporation, The, Employers' Assn. of Roofers & Sheet Metal Workers of Wilmington, Delaware, Inc., Emsa Associates, Inc., Endurable Products Co., Engineers Research & Development Corp., English Construction Company, The, Es-Fen Chemical Corporation, Escort Services, Inc., Eton Development Co., Inc., Evergreen Street Corp., Everhart & Mono, Inc., Exco Corporation.

F. B. Anderson, Inc., F. H. Douglas, Inc., F. P. Grier Co., Inc., F. W. Vaden Company, F. X. Ganter Company, Fairview Inn, Inc., Fall River Navigation Company, Family Corporation, Family Realty Company, The, Farmers Funds, Inc., The, Federal Broadcasting Company, Federal Grill, Inc., Federal Machine and Welder Company, The, Fenchi, Inc., Ferrex Corporation, Fidelity Realty Company, Finholm Pianos, Inc., First National Home Builders Corporation, 5701 Sheridan Building Corporation, First State Acceptance Corporation, Flamingo International Corporation, Floz-On Manufacturing Company, Inc., Food Service, Inc., For-Dom Commerce, Inc., Fortgang Stores, Inc., Foster H. Roger, Inc., Foundation Company of Washington, 4 Most Manufacturing Company, Inc., Four-O-Seven, Inc., Franco-Canadian Royalties, Incorporated, Frank & Frank Construction Co., Inc., Franwill Company, Fredbar Realty Co., Inc., Freeman Oil Well Heater Corporation, Fresh Corporation, Fulton Finance Company.

G. L. Greene & Company, Inc., G. Washington Inn, Inc., Gai-Aswan Hydro-Electric Corporation, Galler Electric & Jewelry Company, Gardens of Memory, Memorial Park, Inc., General Houses, Inc., General Limb and Brace Co., General Piping Corporation, General Suppliers, Inc., General Utility Machine Corporation, Geoffrey's, Inc., George E. Martin, Exclusive Dry Cleaning, Inc., Geo. S. Emery, Inc., Georgetown Recreation and Amusement Company, Inc., Gilmore Farm Supply Company, Gladney Construction Co., Glass Kitchen, Inc., Glasser's Used Cars, Inc., Glen Alen, Ltd., Glen C. Crandall Foundation, Inc., Glen Riddle Chemical Company, Global Engineering Corporation, Good Neighbors of the World, Incorporated, Goodsell Bros., Inc., Gorin and Mogul, Incorporated, Governor Shepherd Drug Co., Inc., Grandview Construction Co.,

Granstreet Housing Corporation, Gray Line, Inc., The, Great Alaska Fisheries, Inc., Great American Dispatch, Inc., Great Plains Oil & Gas Company, The, Green Mountains Corporation, The, Gregg Birdsall & Associates, Inc., Greig, Lawrence & Hoyt, Limited, Grierlang, Inc., Griffith Traveling Log Turner Inc., Grimes Auction & Sales Co., Inc., Guthrie Ceramic Labeling & Machinery Co., Inc.

H. & G. Operating Corporation, Hallmetal Airship Transport Lines, Inc., Harmony Baking Co., Inc., Harrington Oil & Coal, Inc., Harry C. Webb and Associates, Inc., Harry Conover Career Girl Studios, Inc., Hart Oil Corporation, Harvey H. Grubbs, Incorporated, Hastings Brothers, Inc., Hayti Corporation, Heideck Marine Service Co., Helen Spurlock, Inc., Helmer Transmission Corporation, Henry Creed & Company, Inc., Herbst & Klein, Inc., Herman Becker, Inc., Hevicwa, Incorporated, Highway Safety Markers, Inc., Highway Transport Co., Hilltop Radio Corporation, Hilltop Radio-Electronics Institute, Inc., Hilltop Radio-Television Company, Hilton Corporation, Hindman Royalties Corporation, Hispano American Booksellers Inc., Hispano-American Corporation, Hollandia Toy & Furniture Co. Inc., Holly Poultry Co., Holy Tabernacle Disciples Church of Christ of the State of Delaware, Inc., Homart Foods Inc., Home Improvements, Inc., Home Malted Mixer Co. (Del.), Home Registration Service, Ltd., Hometown Newspapers Inc., Homeware Distributing Corporation, Honduras Lumber Company, Hopaco Corporation, Hotel Henlopen, Inc., The, House of Music, Inc., Houston Tea & Coffee Company, Inc., Howard A. Daum, Inc., Howard Kaye Super Service Station, Inc., Howard S. Heid Associates, Inc., Hurricane Creek Coal Company, Hutman Construction Company, Inc.

Igard Corporation of America, Imperial Kitchens, Inc., Index Inc., Individual Rental Corporation, Industrial Engineers, Inc., Industrial Supply Co., Inc., Infra-Appliances Corporation, Inland Dredging Co., Innovations, Inc., Intercontinental Associates, Inc., Interimex Import & Export, Inc., International Aircraft Service, Inc., International Aluminum Building Products Corporation, International Aluminum Manufacturing Company, Inc., International Aluminum Research & Development Company, Inc., International Aluminum Transport Company, Inc., International Asbestos Cement Corporation, International Cam-

era Company, International Distributors, Inc., International Export and Import Corporation, The, International Fisheries of America, Inc., International Helicopter Services, Inc., International Petroleum Processes, Incorporated, International Powercycle Association, International Service, Inc., International Steel Corporation, International Technical Institute, Inc., International Three Out of Five, Inc., The, International Trade Clearance Corporation, International Trading, Importing and Exporting Corporation, International Training Service, Inc., Interstate Distributors, Inc., Intra-Video, Inc., Irene D. King's, Inc., Irot and Cie, Inc., Isle of Wight Water Company, Israel American Hotel Corporation.

J. G. C. Co., J. G. Hammond, Incorporated, J. M. J. Development Company, The, J. Miller & Co., J. Ralph Kirkley, Inc., James Realty Company, Jerry Barker Publications, Inc., Jerry's Enterprises, Inc., John Pawling Great London Circus Company, Inc., The, John Zirwes, Inc., Jones & Randolph, Ltd., Juice Bar Corp., Juice-Drinks Incorporated.

K-T-M Corporation, Karl's Super Market, Inc., Kay & Ess Chemical Corporation, The, Kaywhite Company of Delaware, Inc., Kenneth C. Hawkins Company, Inc., Kenosha Ideas Development Corporation, Kent County Field Trial Association, Kent Horse Show Association, Kent Manor Inn, Inc., Kent-Sussex Retail Liquor Dealers Association, Key Broadcasting System, Inc., Key Rock & Block Company, The, Key Velocities, Inc., Keystone Engine Rebuilders, Inc., Khemisol Corporation, The, King's Farm Association, King George Supply Co., King Henry The VIII Fried Chicken Shoppes, Inc., Kingsgate Estates, Incorporated, Kinzie Sales Company, Kiwanis Boys' Club, Wilmington, Delaware, Inc., Knight Merchandise Company, Krameddas Fruit Co., Inc., Kuiu Zinc Mines Inc., Kuratle The Florist, Incorporated.

L. S. Foundation, Inc., L. & S. Poultry Co., Inc., L. Turnipseed, Inc., L. W. Briggs & Sons, Inc., Ladbroke Corporation, Lakot Sales & Engineering Corporation, Lamont Oil & Gas Corp., Lancaster Village Civic Association, Lane Bros., Inc., Lanselle - Paris, Inc., Latin American Trading Corporation, Laurel Films Investment, Inc., Laurel-Montana Oil Corp., Laurel Process and Milling Company, Laurentian Press, Inc.,

The, Laurie Motor Corporation, Law and Order Society of Wilmington, Delaware, The, Leather Center, Inc., Lem N. Blennnd Company, The, Lenlea Jobbing Corporation, Leon A. E. Mollett, Limited, Leon H. Holden, Inc., Liberia-America Corporation, Liberty Auto Body Company, Inc., Liberty Home Furnishings, Inc., Liberty Theatres Corporation, Licensed Beverage Associates of Delaware, Inc., Lidco Distributors, Inc., Life-Time Metal Products Co., Lincoln Steamship Company, Inc., Line Haul, Inc., Linens of The Week National, Inc., Lingo and Donovan, Inc., Lions Inc. of Washington, D. C., Live Lobster Air Associates, Inc., Lock Nut Corporation of America, The, Long Dairy Farms, Inc., Lotus Gardens, Inc., Louis H. Murphy Corporation, Louis Siegel Poultry Corporation, Louisiana Ricelene Products Corp., Lucedale Water Company, Inc., Lummus-Puerto La Cruz, Inc., Luseal Corporation, Lush Trading Corporation, Lustrasilk South Atlantic, Inc., Lynmar Corporation.

M & C Newton Inc., M & F Feed Service, Inc., Mack's Block & Supply Co., Macmarine, Inc., Maduff Electric Corporation, Magda Studio of Design, Inc., Majestic, Inc., Majestic Radio & Television Corporation, Management & Finance Corporation, Manganese Corporation of New Mexico, Mannington Pottery Company, Mansionette Corporation, Manufacturers Research & Development Corporation, Maranwal Foreign Sales Corporation, Marco Industries, Inc., Mardi-Gras, Inc., Mardorn Chemical Corporation, Marine Warehousing Corporation, Marjory Dawe, Inc., Marthall Development Corporation, Martin, Daugherty & Associates, Inc., Martin Investment Corporation, Masonsteel Construction Company, Mary - M - Mining Co., Master Plasterers Association of Delaware, Inc., Mastergrip Utilities Supply Corporation, Material Coordinating Agency, Inc., Maubette Corporation, Maxwell Manufacturing Co., Inc., Mayflower Marine Service, Inc., McCarthy Decorating Co., Inc., The, McCown Estate, Inc., McIlhinney Corporation, The, McKee Food Service Corporation, McLain Organization, Inc., McVey's Market, Inc., Mecca Realty Corporation, Meglea Metals Corp., Melody Cleaners & Hatters, Inc., Menkol Products Corporation, Mercantile Finance, Inc., Merit Products Corporation, Mexican Banking & Land Corporation, Mica, Incorporated, Michigan Richwood Corporation, Micropat, Inc., Mid-City Parking, Inc., Mid-East Distributing Co., Inc., Middle East Research Bureau, Inc., Midland Packing and Crating Company, Inc., Midwest

Aluminum Building Products Corporation, Mineral Cutting Machine Company, Inc., Mitchell Corporation, The, Mitchell's Hotel and Restaurant Provisioners, Inc., Modern Floors Manufacturing Company, Inc., Mojina Mining Company, Inc., Mom's & Pop's Aquarium Shop, Inc., Monogram Corporation of America, Montex Petroleum Corporation, Montvel Corporation, Moorman Drayage Co., Inc., The, Morgan Industries, Incorporated, Mortgage Securities Company, The, Most Worshipful Union Grand Lodge—Ancient Free and Accepted Masons, Motorway Taverns Corporation of America, Mount Rushmore Foundation, Inc., Mowinckel Investing Company, Mudge Petroleum Company, Mueller Corporation, The, Multi Unit Television Company, Inc., Music Master Radio Corporation.

National Basketball League, Inc., National Beverage Corporation, National Foundation for Lathing and Plastering, Inc., National Graphic Publishing Company, National Home Building Corporation, National School of Photography, Inc., National Theatre Institute, Inc., National Whippet Racing Association, Naval Officers Placement Service, Inc., New Bedford Frosted Food Co., New Castle County Raceway, Inc., New England Forwarding Company, Inc., New England Industries, Inc., New Mexico Natural Gas Company, Inc., Newark Air Service, Inc., Nola Productions, Inc., North American Graphite Corporation, North American Manufacturers Export Associates, Inc., North Capitol Flower Shop, Inc., North and South America Corporation, North Washington Realty Company, Nude Foods Company, Nuvo, Inc., Nytex Oil and Gas Corporation.

O'Neill Corporation, The, Oak Hurst Farms, Inc., Octave Products, Inc., Office & Industrial Equipment, Inc., Offshore Development Corporation, Oil Country Products Corporation, Omnicon Corporation, Optical Center, Inc., Oviato O. Barker, Inc.

P. A. Duane, Sons Co., P. K. Motors, Incorporated, P. O. Johnson Co., Inc., Pacific Products Corporation, Pacific Tank Cleaners, Inc., Pan-American Fruit Company, Jan States Oil Corporation, Paneltile Distributing Corp., Panther Tractor Corporation, Paris Air Travel of New York, Inc., Park Cab Co., Park Liquors, Inc., Parkview Service Station, Inc., Parry Lines, Inc., Paterson Brewing Company, Patrick Henry League, Inc., Paul Jones Company, Paul Mumford Inc., Paul Porter Motor

Co. Inc., Peninsula Poultry Growers, Inc., Peninsula School of Music, Inc., The, Penn Discount Corporation, Penn Paramount Corporation, Penn West Producing Corp., Pennsylvania Economic Council Inc., Pequot Farm Land Company, Perfect Plates, Inc., Perlux Corporation, Permanent Housing & Finance Corporation, Peter Blackpool & Company, Peters, Inc., Phantom Convoys, Inc., Pharmaceutical Preparations, Inc., Philadelphia La Scala Opera League Inc., Pioneer Harvester Corporation, Plastic Shop, Inc., The, Polar Trading and Packing Company, Poplar Food Products Company, Potomac Concrete Blocks, Inc., Potomac Smokeater Sales & Services, Inc., Precision Machinists, Inc., Prez, Incorporated, Producers Motion Picture Corporation, Progressive Business Men's Association, Project Management Corporation, The, Pruven Composition Products Corporation, The, Pure Wine & Liquor Company, Purple Iris, Inc.

Quality First Shirt Co., Quality Home Builders, Inc., Queen City Petroleum, Inc.

R. L. Willis, Inc., Radiant Heat Engineering Co., Inc., Radio Systems, Inc., Ralph Cheyney Memorial Association, Inc., Raybert Products Corporation, Rayburn's Restaurant, Inc., Realty, Inc., Recherche Moderne, Inc., Refinite Company, The, Refrigerated Container Corporation, Regal Home Distributors, Inc., Rehoboth Beach Baseball Club, Inc., Remington, Inc., Remington Construction Company, Renee Thornton Cosmetics, Inc., Reno Land Corp., Representatives, Inc., Research & Realization, Inc., Rich Mountain Mining Corporation, Richard B. Dunlop, Incorporated, Ridge Liquors, Inc., Rigo Petroleum Corp., Rimmon Corporation, The, Rio Grande Sulphur, Inc., Riverside Paper Products Co., Rhoades Building Corporation, Robert C. Mackey, Inc., Robert E. Fowler Associates, Incorporated, Robert J. Cochran, Inc., Robinson Brick Co., Rodenberg Realty Corp., The, Roditi Corporation, The, Roger Salon, Inc., The, Rogers Bros. Oil Corporation, Roller Relay, Inc., Rolling Park Land Co., Inc., Ron-Del-Mar-Va, Inc., Ronrico Foods, Inc., Roosevelt Cab Company, Inc., Royal Enterprises Inc., Royal Natural Gas & Oil Corp., Ryle-Knapp Electroaire Co.

S. I. C. Inc., S. R. Rosoff, Ltd., Sabre Shoe Company, Saf-Mont, Inc., St. Agnes By The Sea, Incorporated, St. Elmo Company, The, St. Elmo of Houston, Inc., St. Luke Church of God, Incorporated, The, Sally Carson of California, Inc., Sardik Food



Products Corporation, Saunders Manufacturing Corporation, Savage Projector Corporation, Save To Travel Plan, Inc., Seaford Baseball Club, Inc., Seaford Skeet and Gun Club, Inc., Securities Building Corporation, Security Building and Loan Association, Segal's, Inc., Sepia Productions Inc., Seriograph Company, Service Engraving Company, Inc., Service Liquor Store, Inc., Seventh Street Realty Co., Sew-Rite Sewing Stores, Inc., Seymour Troy Retail Stores, Inc., Shannon & Luchs Development Company, Shawnee Stone Company, Shears and Fabrics, Inc., Shenandoah Valley Housing Corporation, Sherry Wines & Spirits Corp., Shirlington Hotel Corporation, Shoemakers Supply Co., Inc., Silver Brook Anthracite Company, Simplex Improvements, Inc., Sino-American Realty Co., Inc., 641 East 50th Street Corporation, 6301 Sheridan Building Corporation, Skat Insect Repellent Corporation, Smart Set, Inc., The, Smith and Gottlieb Inc., Snow Hill Company, Inc., Snow Hill Poultry Company, Inc., Sodamaster Inc., Sol C. Bennett & Associates, Inc., Sooner Building Co., Sooner Distributing Company, Southard Oil and Gas Corp., Southeastern Petroleum Corporation, Southern Banking Corporation, Southern Belle Chemical & Fertilizer Company, Inc., The, Southern Oil Corporation, Southern Silver Co., Incorporated, Southern Vacuum Concrete, Inc., Southern Well Treating Company, Southwark Plumbing and Heating Supply Company, Soya Products, Inc., Spina Holding Corporation, Stand Supply Company, The Standard Amusement Company, Standard Litho Designs Corporation, Stanton Chemicals, Inc., Star Cab Association, Incorporated, Starbuck International Corporation, Stat Corporation, Stewart Distributors, Inc., Stitch In Time Systems, Inc., Stockton Poultry Corporation, Stoney Field Kennels, Inc., Storm's, Inc., Strand Market, Inc., Strategical Demolition Torpedo Company, The, Stuart, Swift & Co., Inc., Suburban Home Builders, Inc., Suitland Investors, Inc., Summersett Chemical Co., Sun Construction Co., Super Lion, Inc., Superior Brands, Inc., Supradur Corporation, Susann Cosmetics, Inc., Sutherland Parker Company, Sylcon Corporation, Syncrolight Television Corporation.

T. A. Dubois Corporation, Tamarene Co. Inc., Technical Securities Corporation, Tela Export & Import Corporation, Telcol, Inc., Telephone Amplifier Corporation, Television Specialists, Inc., Temple & Company, Inc., Tempo Advertising, Inc., Terminal Packaging Company, Texas Central Oil & Gas Co.,

Texas-European Export and Import Company, Texas Motion Picture Studios, Inc., Texas-Western Oil Lines, Inc., Textiglas Corporation, Thermo-Gen Corporation, Thomas Burke & Company, Inc., Thomas F. Jones, Inc., Thornell Enterprises, Inc., Tidewater Export-Import, Inc., Tisco Electric Corporation, Tolchard Chemical Corporation, Tote-Em Container Co., Tourist and Travelers of America, Inc., Townsend Speedway, Inc., Trade Development, Inc., Trans-America Music Corporation, Trans American Supply Co., Transervice, Inc., Tri-City Telecasters, Inc., Tri-State Publishing Co., Inc., Tria, Inc., Triangle Hardware, Inc., Triangle Oil Company, Triangle Oil & Gas Corporation, Tungsylvania Company, Turbo-Heet Inc. of Delaware, Turner Supply Company, Turnlie Incorporated, Tvk Oil & Gas Corporation, Twistit Bottle Seal Opener Co.

U-Dec Corporation, U-Need-A Vendors, Inc., U. S. Mining & Exploration Co. Inc., U. S. Tractor Corporation, U. S. Transocean Corporation, Unicon Corporation, Union A. C., Inc., Union Furniture Company, Inc., The, Union Heating and Refrigeration Co., Inc., United Coanda Research, Inc., United Industrial Associates, Inc., United Metalcrafts Corporation, United States Drug Company, Incorporated, United States Exposition Company, United States Manganese and Aluminum Corporation, United States Photographic Corporation, United States Products Corporation, United States Sheetwood Company, United States Vending Corporation, United Wholesalers, Inc., Universal Colloid Company, Inc., Universal Homes, Inc., Universal Securities Company, Universal Television Corporation.

V-M-M Corporation, Va Employees Association Br 3, Vacation Dinners, Inc., Vacuum Insulated Milk Can Company, Van Dam Brothers, Limited, Veterans Social Club, Vieilleville, Incorporated, Virgin Islands Development Corporation, Vital Trading Company, Vitor Corporation of America, Vitro-Nu Food Laboratories, Inc., Vulcano Italian Restaurant, Inc.

W. W. Green, Inc., Waburn Oil Corporation, Waco Corporation, Walker Company, Wanco Chemical Company, Wanco Corporation, The, Wasco Corp., The, Washington Commissary Association, Inc., Washington International Trade Corporation, Washington Mortgage Corporation, Washington Mortgage and Realty Corporation, Washington Reporters, Inc., Washington Rice Company, Inc., Washington Stauffer System, Inc., Wash-

ington Transfer, Inc., Watch Hospital, Inc., Water Commerce Service, Inc., Watertight Slide Fastener Corporation, Wedgewood Hall, Inc., Welfer, Incorporated, Wertz & Company, Wess Motors Company, West Central Broadcasting Company, West River Inc., West Texas Oil Corporation, Western Independent Drilling and Exploration Company, White & McColl, Inc., William Brooks Trading Co., Inc., Williamsville Council No. 40, Junior Order United American Mechanics, Wilmington Abrasive Works, Inc., Wilmington Oil & Refining Company, Wilmington Provision Company, Wilmington Trades School, Inc., Wilson Oldsmobile Company, Wilson Park Homes, Inc., Wilt, Inc., Wink, Inc., Winkler Enterprises Inc., Woodmoor Development Corporation, Workman, Slaton, Dauer and Chase, Inc., World Research Service Corporation, Worthington Products Co., Inc., Wrecking Corporation of America, Wyoming Castle #22 K. G. E., Wyoming Sand and Stone Company.

Y & K Enterprises, Inc., Yankee Skylines, Inc., Yellow Cap Oil, Inc.

Zuppas Brothers, Inc.

IN TESTIMONY WHEREOF, I, Elbert N. Carvel, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal to be hereunto  
affixed this sixth day of January, in the year of  
(GREAT SEAL) our Lord one thousand nine hundred and fifty-  
three, and of the Independence of the United  
States of America, the one hundred and seventy-  
seventh.

By the Governor:

ELBERT N. CARVEL

HARRIS B. McDOWELL, JR., Secretary of State.

CHAPTER 557  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the dental health of our children should be of paramount importance and concern to the community as a whole; and

WHEREAS, dental decay now afflicts more than 90 per cent of the children of our state; and

WHEREAS, a lowering of the rate of dental decay can best be accomplished through wider use of preventative dentistry for children; and

WHEREAS, the dentists of this state have expressed concern over the need for expanded community health programs in order to make available to all children dental health education and dental care:

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, do hereby proclaim and designate Monday, February 2, 1953, as

CHILDREN'S DENTAL HEALTH DAY

and call upon all those in a position to do so, to spread information and education which will lead toward the better care for, and preservation of the teeth of our children. I further urge schools especially, to take those steps in dental education, not only on this day, but throughout the year, which will better inform both children and parents of the importance of dental care.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said State  
to be hereunto affixed at Dover, this Twenty-  
(GREAT SEAL) eighth day of January, in the Year of Our  
Lord, One Thousand Nine Hundred and Fifty-  
three, and of the Independence of the United  
States of America, the One Hundred and Seven-  
ty-seventh.

By the Governor:

J. CALEB BOGGS

JOHN N. MCDOWELL, Secretary of State

CHAPTER 558

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, it is universally known that the citizens of the United States of America are blessed with the highest standard of living ever attained by any nation in history; and

WHEREAS, it is recognized that these material blessings are the results of the application of basic scientific knowledge by the engineering profession over many decades; and

WHEREAS, so much is owed by all of us to the comparatively few, who make up this great profession, who have pioneered, developed and brought to fruition vast benefits to our economic, industrial and social well-being, through the protection of life, health and property; in the development of agricultural, marine and mineral resources, ways and means of transportation, water, power, light, sanitation and communication systems and conservation of natural resources; and

WHEREAS, it is proper that we recognize those members of the engineering profession who are citizens of Delaware, and who have made numerous and major contributions to the uplifting of our standard of living:

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, in order to give our citizenship an opportunity to honor the engineers of the State of Delaware, do hereby proclaim that the week beginning February 22, 1953, and ending February 28, 1953, shall be designated as

ENGINEERS' WEEK IN DELAWARE

and urge that every citizen of Delaware join me in extending special recognition and honor to our engineers.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said State  
(GREAT SEAL) to be hereunto affixed at Dover, this Eleventh  
day of February, in the Year of Our Lord, One  
Thousand Nine Hundred and Fifty-three, and  
of the Independence of the United States of  
America, the One Hundred and Seventy-seventh.

By the Governor:

J. CALEB BOGGS

JOHN N. McDOWELL, Secretary of State

CHAPTER 559  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the future progress and prosperity of Delaware is dependent to a great degree upon the skills and efforts of those citizens who operate the many farms of the State; and

WHEREAS, the Future Farmers of America organization is composed of boys who are studying vocational agriculture in public secondary schools as preparation for careers in farming; and

WHEREAS, the major purpose of the Future Farmers of America organization is to develop leadership, encourage cooperation, promote good citizenship, teach sound methods of farming and inspire patriotism among the members; and

WHEREAS, Delaware now has 23 active chapters of the organization, with more than 780 presently active members and more than 5,000 former members; and

WHEREAS, the members of the Future Farmers of America perform valuable community services and provide important leadership in developing our agricultural economy and in building a better State;

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, do hereby proclaim the week beginning February 21, 1953, as

DELAWARE FUTURE FARMERS WEEK

and urge all citizens to take notice of the many contributions of the Future Farmers of our State and to encourage in every possible way the further growth of this splendid organization for our farm youth.



IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said State  
to be hereunto affixed at Dover, this Sixteenth  
(GREAT SEAL) day of February, in the Year of Our Lord, One  
Thousand Nine Hundred and Fifty-three, and  
of the Independence of the United States of  
America, the One Hundred and Seventy-seventh.

By the Governor:

J. CALEB BOGGS

JOHN N. McDOWELL, Secretary of State

CHAPTER 560

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, there are in the State of Delaware some 9,200 crippled children and 8,500 handicapped adults; and

WHEREAS, our right to aid the crippled is a privilege to be accepted, guarded and exercised fully; and

WHEREAS, it has been proved of economic feasibility to make available such services as those financed through Easter Seal funds, since these services help dependent crippled children become independent adults and thus conserve a vast human resource of our nation; and

WHEREAS, it is not only an American heritage and responsibility but a basic precept of good citizenship and a privilege of the people of this state to help crippled children have happier, more useful lives and the opportunity to become self-sustaining adults; and

WHEREAS, the specialized services of rehabilitation, recreation and educational aid for the crippled are efficiently and effectively administered by the Delaware Society for Crippled Children and Adults; and

WHEREAS, the cost of these services has increased as other costs have increased and as more crippled are constantly being reached; and

WHEREAS, the annual Easter Seal drive of the Delaware Society for Crippled Children and Adults provides the chief source of support for its multiple services:

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, do hereby proclaim the month from March 5, to April 5, 1953, as

EASTER SEAL MONTH

and urge all citizens to support this drive generously and thereby lend a helping hand to our crippled children.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said State  
(GREAT SEAL) to be hereunto affixed at Dover, this Twenty-  
seventh day of February, in the Year of Our  
Lord, One Thousand Nine Hundred and Fifty-  
three, and of the Independence of the United  
States of America, the One Hundred and Seven-  
ty-seventh.

By the Governor:

J. CALEB BOGGS

JOHN N. McDOWELL, Secretary of State

CHAPTER 561

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, there are more than 1900 rural boys and girls enrolled in the 4-H Club movement in the State of Delaware; and

WHEREAS, the 4-H organization has for its purpose the demonstration of improved methods of agriculture and home economics and the instillation of the principles of better citizenship in the lives of our young people; and

WHEREAS, in this changing world of agricultural concepts and practices, 4-H Club members will constitute one of the most important groups to show the way to improved practices and methods:

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, do proclaim the week of March 7 through March 15, 1953, as

4-H CLUB WEEK

in Delaware for the purpose of paying tribute to our rural youth who are enrolled in this important and patriotic endeavor.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover, this Fifth day of March, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-three, and of the Independence of the United States of America, the One Hundred and Seventy-seventh.

(GREAT SEAL)

By the Governor:

J. CALEB BOGGS

JOHN N. McDOWELL, Secretary of State

CHAPTER 562  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, from its very inception, Delawareans have played a leading and important role in the work of the American Legion; and

WHEREAS, this continuing effort to promote Americanism, provide for the welfare of ill and disabled veterans, their dependents or families, and to encourage programs for youth is most worthy; and

WHEREAS, the principles of the American Legion as outlined in the Preamble of its constitution states that its purpose is to inculcate a sense of individual obligation to the community, state and nation; and

WHEREAS, during the week of March 15-21, this great veterans' organization will mark the 35th anniversary of its founding in Paris, France, at which time a Delawarean, Thomas W. Miller, served as vice chairman of that caucus:

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, do hereby declare that the week of March 15-21, 1953, be observed as

AMERICAN LEGION WEEK

and I urge that special thought be given to the Legion's traditional slogan, "Service to Those Who Have Served". It is my hope that all Delawareans will join in honoring this mighty group of veterans whose prime purpose is to "transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness".

(GREAT SEAL) IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware; have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover, this Thirteenth day of March, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-three, and of the Independence of the United States of America, the One Hundred and Seventy-seventh.

By the Governor:

J. CALEB BOGGS

JOHN N. McDOWELL, Secretary of State

CHAPTER 563  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, it is important to the state and the nation that our wildlife and natural resources be protected and preserved; and

WHEREAS, by the proper use of our soil, our water supplies, our streams and lakes we can help in the great task of producing foodstuffs for an ever-increasing population; and

WHEREAS, our Granges in the state and the Delaware Sportsmen's Federation and Conservation Clubs, Inc., play a leading role in providing public information on conservation methods, and do by practice contribute greatly to our conservation program; and

WHEREAS, there is to be held in the Wilmington Armory, on March 19, 20 and 21, 1953, the second annual Delaware Wildlife Exhibit;

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, do hereby proclaim that the week of March 15 through 21, 1953, be observed as

WILDLIFE AND CONSERVATION WEEK

in our State. I urge that our citizens, farmers, granges, farm bureaus and other agricultural organizations; our sportsmen's clubs, schools and agricultural youth organizations, join in marking this week. I further hope that through the efforts of these groups, all of our citizens will take greater heed of our natural resources and help in their conservation by avoiding forest fires, stream pollution and all other acts which could prove detrimental to the conservation programs which are now in effect.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said State  
(GREAT SEAL) to be hereunto affixed at Dover, this Thirteenth  
Day of March, in the Year of Our Lord, One  
Thousand Nine Hundred and Fifty-three, and  
of the Independence of the United States of  
America, the One Hundred and Seventy-seventh.

By the Governor:

J. CALEB BOGGS

JOHN N. McDOWELL, Secretary of State



CHAPTER 564  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, within the boundaries of the State of Delaware there were 501 homes which lost loved ones to cancer in 1952; and

WHEREAS, there is likelihood that the number of victims during 1953 will even exceed this number; and

WHEREAS, such a burden of tragedy compels the attention of this administration; and

WHEREAS, it is true that such widespread disease as cancer requires a concerted effort of government, the medical profession and, in fact, all of our citizens to combat it; and

WHEREAS, through progress of education, research and service many lives have already been saved and many more could be saved; and

WHEREAS, the President of the United States has proclaimed April as a month for special action against this distressing problem:

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, do hereby proclaim the month of April, 1953, as

CANCER CONTROL MONTH

and, furthermore, I urge every citizen of this state to observe the occasion by learning as much about cancer as possible and by supporting the 1953 Crusade of the American Cancer Society.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said State  
(GREAT SEAL) to be hereunto affixed at Dover, this Twenty-  
sixth Day of March, in the Year of Our Lord,  
One Thousand Nine Hundred and Fifty-three,  
and of the Independence of the United States of  
America, the One Hundred and Seventy-seventh.

By the Governor:

J. CALEB BOGGS

JOHN N. McDOWELL, Secretary of State

CHAPTER 565  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, Sunday, March 29, 1953, will mark the three hundred and fifteenth anniversary of settlement and establishment of the Colony of New Sweden in 1638 at "The Rocks" now enshrined in Fort Christina State Park in the City of Wilmington; and

WHEREAS, Fort Christina, founded under the leadership of the intrepid Peter Minuit, became the seat of the first permanent settlement in the State of Delaware and in the Delaware River Valley as well and marked the introduction of government, religion, education, agriculture, commerce, and industry in our State; and

WHEREAS, the General Assembly of the State of Delaware passed a resolution directing the Governor to proclaim March 29th of each year as Delaware Swedish Colonial Day in cognizance of these contributions; and

WHEREAS, it is fitting and proper that this recurring anniversary of the founding of the first permanent settlement upon the soil of Delaware be commemorated by appropriate observances and exercises:

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, do hereby proclaim Sunday, March 29, 1953, as

DELAWARE SWEDISH COLONIAL DAY

and request that this day be observed in schools, churches, patriotic and historical societies, and other institutions and organizations with appropriate ceremonies, and that state, county, city and town governments display on that day the flags

of the United States and of the State of Delaware, and that the flags of the United States and the Kingdom of Sweden be flown in Fort Christina State Park.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said State  
(GREAT SEAL) to be hereunto affixed at Dover, this twenty-  
seventh day of March, in the Year of Our Lord  
One Thousand Nine Hundred and Fifty-three,  
and of the Independence of the United States of  
America, the One Hundred and Seventy-seventh.

By the Governor:

J. CALEB BOGGS

JOHN N. McDOWELL, Secretary of State

CHAPTER 566  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, The President of the United States of America and the Secretary of Defense have designated May 16, 1953, as ARMED FORCES DAY and May 10-17 as ARMED FORCES WEEK; and

WHEREAS, this period has been designated for the citizenry to pay appropriate tribute to the Armed Forces who serve this nation in war and peace with unselfish devotion and trust; and

WHEREAS, these Armed Forces, who have been made a unified team, will during this period render an accounting of their solemn trust to the citizenry; and

WHEREAS, the Slogan adopted for this year's observance is "POWER FOR PEACE" and will have as its theme: "A time for tribute to the teamwork of the Armed Forces, to the unity of the American people, and to the power and principles for which they stand in the world-wide struggle for peace":

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, do hereby proclaim Saturday, May 16, 1953, as

ARMED FORCES DAY  
and May 10-17 as  
ARMED FORCES WEEK

in the State of Delaware and do hereby call upon the citizens of this State to render appropriate honors to all members of the Armed Forces, living and dead; and to cause the Flag of the United States of America to be displayed and wherever possible take active participation in this observance.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said State  
(GREAT SEAL) to be hereunto affixed at Dover, this First Day  
of April, in the Year of Our Lord, One Thou-  
sand Nine Hundred and Fifty-three, and of the  
Independence of the United States of America,  
the One Hundred and Seventy-seventh.

By the Governor:

J. CALEB BOGGS

JOHN N. McDOWELL, Secretary of State

CHAPTER 567  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the citizens of Delaware are vitally interested in the youth of today, and knowing that this youth needs understanding and guidance at all times from an adult population; and

WHEREAS, the growing complexity of modern community living has been accompanied in recent years by an increasing need for training youth in the fundamental principals of good citizenship; and

WHEREAS, there is no better way of providing such citizenship training than through programs of organized recreation; and

WHEREAS, the Boys' Clubs of America, by bringing our growing boys together in an atmosphere of friendship, tolerance and understanding, are performing a character-building service not only for youth itself but for the community and state; and

WHEREAS, the chief goals of Boys' Club leaders are to develop in our youth a respect for all property and individual rights, and in a deep and abiding faith in America and the fundamental principles upon which our prosperity and strength as a nation has been built;

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, do hereby designate and declare the week of April 13 to April 19, 1953, to be

BOYS' WEEK IN DELAWARE

and I urge our citizens to support this worthwhile project and help expand its activities.

(GREAT SEAL) IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover, this Fifth Day of April, in the Year of Our Lord, One Thousand Nine Hundred and Fifty-three, and of the Independence of the United States of America, the One Hundred and Seventy-seventh.

By the Governor:

J. CALEB BOGGS

JOHN N. McDOWELL, Secretary of State



CHAPTER 568  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the American way of life has bestowed manifest blessings upon the people of the United States of America and the citizens of the State of Delaware; and

WHEREAS, the State of Delaware played an important part in forging our freedoms into a workable Constitution which this state was the first to ratify; and

WHEREAS, the Veterans of Foreign Wars of the United States of America, a national organization of ex-servicemen with overseas wartime service in the nation's armed forces sponsor each year the observance of Loyalty Day throughout the nation; and

WHEREAS, the purpose of this observance is to give citizens an opportunity to pledge anew their allegiance to and faith in the American system, emphasizing their appreciation of a great heritage honorably won on the field of battle; and

WHEREAS, the Veterans of Foreign Wars have chosen as a motto for this great American expression of faith, "Loyalty Day Portrays the American Way":

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, do hereby proclaim the week of April 26, 1953, to May 3, 1953, as

LOYALTY DAY IN DELAWARE

and I especially commend the Department of Delaware, Veterans of Foreign Wars of the United States of America for their inspired effort to promote good citizenship through the Loyalty Day rallies scheduled April 26th in Georgetown and May 3d in Dover, and urge all citizens to cooperate and join our overseas

veterans in once more pledging allegiance to our country and all for which it stands. I further urge that the national emblem and the Delaware State Flag be flown for this observance.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said State  
to be hereunto affixed, at Dover, this seventh  
(GREAT SEAL) day of April in the year of Our Lord One Thou-  
sand Nine Hundred and Fifty-three and of the  
Independence of the United States the One Hun-  
dred and Seventy-seventh.

By the Governor:

J. CALEB BOGGS

JOHN N. McDOWELL, Secretary of State

CHAPTER 569  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, it has been the custom since 1928 to set aside a day annually dedicated to the health of our children; and

WHEREAS, it is important that we take cognizance of the change of pace in our mode of life and the influence it bears on the growth and development of our boys and girls; and

WHEREAS, there is nothing more important to the future of our state and nation than to develop our youth with sound bodies and keen minds; and

WHEREAS, the future of our state and nation depends on the decision and acts of our maturing young men and women, who will have to carry on the advances in good government, education, health and scientific development:

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, do hereby designate the first day of May, 1953, as

CHILD HEALTH DAY

and I urge parents, state agencies, civic groups, schools and other organizations interested in the welfare of our children to give special attention to this day by the staging of appropriate exercises in public places to stress child development, and to give our boys and girls an opportunity to show their continued advancement in all fields.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed, at Dover, this Twentieth Day of April in the year of Our Lord One Thousand Nine Hundred and Fifty-three and of the Independence of the United States the One Hundred and Seventy-seventh.

(GREAT SEAL)

By the Governor:

J. CALEB BOGGS

JOHN N. McDOWELL, Secretary of State

CHAPTER 570  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the mental health of our citizens is of vital importance to our personal, community and national welfare; and

WHEREAS, new and effective methods for the treatment of mental illness, research, preventive measures, child guidance and counseling are keeping hundreds of thousands of personal and family disorders from becoming critical; and

WHEREAS, the personal welfare of our citizens and their ability to meet the civil and military requirements of the present situation are dependent on the broadest possible application of the principles of mental health; and

WHEREAS, public-spirited organizations interested in mental hygiene have selected this period as one to kindle and foster a better understanding of our mental health problems:

NOW, THEREFORE, I, J. Caleb Boggs, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby proclaim the week of May 3 to 9, 1953, as

**MENTAL HEALTH WEEK**

in Delaware, and urge every citizen and all civic and educational organizations to support the movement for better understanding of our mental health problems.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed, at Dover, this Twenty-first day of April in the year of Our Lord One Thousand Nine Hundred and Fifty-three and of the Independence of the United States the One Hundred and Seventy-seventh.

(GREAT SEAL)

By the Governor:

J. CALEB BOGGS

JOHN N. McDOWELL, Secretary of State

CHAPTER 571  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, music is a source of inspiration and solace to the citizens of this state and nation, especially in these days of stress and strain; and

WHEREAS, Delaware, through its annual Festival of the Arts Month will pay particular attention to featuring music in the many programs planned in all parts of the state; and

WHEREAS, every effort should be made to promote greater participation in the art of making music, especially among our younger generation; and

WHEREAS, today greater opportunity is given to our men in the Armed Forces to enjoy and receive a musical education if that be their choice as a future occupation or profession:

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, do hereby declare the week of May 3-10, 1953, as

NATIONAL AND INTERNATIONAL MUSIC WEEK

and I urge that our citizens fully participate in all musical programs, especially those arranged for and through the Delaware Festival of the Arts. It is also my hope that the promotion of good music, both from the standpoint of listening as well as from the art of learning to play a musical instrument, will increase in all areas of our great state.

(GREAT SEAL) IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed at Dover, this Thirtieth day of April, in the Year of Our Lord One Thousand Nine Hundred and Fifty-three, and of the Independence of the United States of America, the One Hundred and Seventy-seventh.

By the Governor:

J. CALEB BOGGS

JOHN N. McDOWELL, Secretary of State

CHAPTER 572

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, it is important that all the world learn the truth concerning the principles and policies of those who espouse the democratic way of life; and

WHEREAS, there are areas in the world where that truth is forbidden, even to those who seek it; and

WHEREAS, it is our duty as loyal American citizens to aid in the proper dissemination of information which will give a true picture of our daily lives, both in our homes, our cities and the legislative halls of our several states; and

WHEREAS, many of our most loyal citizens who either emigrated to America or whose forefathers settled here may still have close association with friends and relatives in countries behind the Iron Curtain:

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, do hereby proclaim the week of May 18 through May 23, 1953, as

LETTERS FROM AMERICA WEEK

and I strongly urge that all of our citizens having contact with those in other lands, to whom the blessings of freedom and liberty are denied, write letters in which they tell truthfully and factually how we live and work in a free America. I especially hope that this will be made a continuing project in our schools, so that boys and girls in imprisoned areas may be given an opportunity to use their active young minds to study the blessings of our way of life. This we should do with the hope that by greater mutual understanding the day will come soon when hatred and fear may be banished from the earth.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said State  
to be hereunto affixed, at Dover, this Fifteenth  
(GREAT SEAL) day of May in the year of Our Lord One  
Thousand Nine Hundred and Fifty-three and of  
the Independence of the United States the One  
Hundred and Seventy-seventh.

By the Governor:

J. CALEB BOGGS

JOHN N. McDOWELL, Secretary of State

CHAPTER 573

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the American Merchant Marine has been a tremendous asset in the ever-growing position of this nation as a leading maritime power; and

WHEREAS, the maritime personnel who contribute greatly to the exchange of trade and travel have won the respect and admiration of the American public; and

WHEREAS, the Port of Wilmington, Delaware, greatly benefits through the ever-increasing number of tankers and cargo ships that ply the waters of the world exchanging goods; and

WHEREAS, this marks the twentieth anniversary of our nation having first recognized the American Merchant Marine by commemorating a day to the "Savannah", first steam-propelled vessel to cross the Atlantic Ocean in 1819; and

WHEREAS, the continued contributions of those who plan, execute or man these vessels in peace or war merit the applause of the American people:

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, do hereby urge the citizens of our state to observe May 22, 1953, as

NATIONAL MARITIME DAY

by displaying the flag of our country and the State flag at all appropriate places, and by learning all they can about the American Merchant Marine and its contribution to the people of the world. I further hope that appropriate attention will be called to this day by civic, fraternal and other organizations



as well as in our schools and colleges so that everyone may have a greater understanding of the services rendered by our merchant marine personnel and vessels.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said State  
to be hereunto affixed, at Dover, this Twenty-  
(GREAT SEAL) first day of May in the year of Our Lord One  
Thousand Nine Hundred and Fifty-three and of  
the Independence of the United States the One  
Hundred and Seventy-seventh.

By the Governor:

J. CALEB BOGGS

JOHN N. McDOWELL, Secretary of State

CHAPTER 574  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the function of business, industry, government and education depends in large measure upon the skills, loyalty and efficiency of Secretaries; and

WHEREAS, Secretaries are rendering highly competent services in these fields; and

WHEREAS, in recognition of the vital role the members of this profession portray in the life of the Nation:

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, by the power vested in me do hereby proclaim the week of May 24-30, 1953, as

NATIONAL SECRETARIES WEEK

and do urge all business men of the community to give serious consideration on National Secretaries Day, May 27, 1953, to the betterment of human relations in business.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed, at Dover, this Twenty-second day of May in the year of Our Lord One Thousand Nine Hundred and Fifty-three and of the Independence of the United States the One Hundred and Seventy-seventh.

(GREAT SEAL)

By the Governor:

J. CALEB BOGGS

JOHN N. McDOWELL, Secretary of State

CHAPTER 575  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, it is an established custom for Americans to pay tribute to their heroic war dead, and to honor those who served their nation's cause and have since gone to their reward; and

WHEREAS, on this day there are gatherings in public places, cemeteries, and before memorials where respects are paid to the bravery and valor of those who answered their nation's cause in time of need; and

WHEREAS, we should not lose the true significance of the occasion in this modern era of week-end vacations and sporting events, but there should be true reflection on the sacrifices made on behalf of this state and nation by those who paid with their lives to keep it strong and free:

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, do hereby declare that we follow the example set in the proclamation by the President of the United States of America and that we observe Saturday, May 30, 1953, as

MEMORIAL DAY

I further urge that the flags of the United States of America and the State of Delaware be properly displayed from all state buildings and institutions on this day and that we give solemn thought and prayers of remembrance to Almighty God for preserving us as a nation. All of this has been possible only through the pain, suffering and death of those who have defended us from all our enemies whomsoever, throughout our glorious history.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said State  
(GREAT SEAL) to be hereunto affixed at Dover, this Twenty-  
fifth day of May in the year of Our Lord One  
Thousand Nine Hundred and Fifty-three and of  
the Independence of the United States the One  
Hundred and Seventy-seventh.

By the Governor:

J. CALEB BOGGS

JOHN N. McDOWELL, Secretary of State

CHAPTER 576  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the movement to encourage the practice of friendship for the sick and shut-ins is being sponsored by the Shut-in Clubs and through programs of their organizations; and

WHEREAS, this movement has several thousands of sick, physically handicapped and afflicted shut-ins in the homes, hospitals and institutions for the disabled by encouraging them to overcome their handicaps in time of distress and discouragement; and

WHEREAS, there are now many heroic soldiers and sailors who are shut-ins because of the wounds which they have suffered in battle for their country; and

WHEREAS, through this movement spiritual uplift to shut-ins has been beneficial in moments of stress and futility by neighbors and friends who have been encouraged in acts of kindness in which human suffering could be alleviated:

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, do hereby proclaim that Sunday, June 7, 1953, shall be known as

"SHUT-IN'S DAY" IN DELAWARE

and on this day all citizens, neighbors and friends of the shut-in's in our State are asked to remember the shut-in's in acts of kindness by visitation, cards and flowers or other mementos, and to continue such activities throughout the year wherever possible.

(GREAT SEAL) IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed, at Dover, this Twenty-sixth day of May in the year of Our Lord One Thousand Nine Hundred and Fifty-three and of the Independence of the United States the One Hundred and Seventy-seventh.

By the Governor:

J. CALEB BOGGS

JOHN N. McDOWELL, Secretary of State

CHAPTER 577  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, the people of the United States of America since the days of George Washington have rallied to the defense of this nation and its banner—the Stars and Stripes; and

WHEREAS, tradition has it that the early Colonial flag designed by Betsy Ross was first used in land battle at Cooch's Bridge, New Castle County, Delaware; and

WHEREAS, hundreds of Delaware's sons through succeeding generations have followed this emblem of our unity, strength and desire to remain a free people, even though many perished in the effort to keep it aloft; and

WHEREAS, it is important today for all of us to not only display our loyalty to our nation and flag, but to express the unity of purpose with which we follow all our endeavors; and

WHEREAS, National Flag Week will be observed this year from June 8 through the anniversary date—June 14—of the official adoption of the Stars and Stripes by the Continental Congress in 1777:

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, do hereby declare that the week of June 8 to 14, 1953, be observed as

NATIONAL FLAG WEEK IN DELAWARE

I urge that our national emblem fly daily during this week from all public buildings, industrial and commercial buildings and that it be displayed at the homes of our citizens. This we should do as an expression of our sincere faith in and love for the form of government enjoyed by this nation during the past 177 years.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said State  
to be hereunto affixed, at Dover, this Second  
(GREAT SEAL) day of June in the year of Our Lord One  
Thousand Nine Hundred and Fifty-three and  
of the Independence of the United States the  
One Hundred and Seventy-seventh.

By the Governor:

J. CALEB BOGGS

JOHN N. McDOWELL, Secretary of State



CHAPTER 578

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the American-Korean Foundation has been established on a nation-wide basis to work for the distressed civilian population of South Korea and for the rehabilitation of their war-torn country; and

WHEREAS, we in America have little conception of the devastation wrought on South Korea with the resultant heavy civilian casualties, total destruction of thousands of homes and lack of needed hospital facilities plus widespread hunger and suffering; and

WHEREAS, we are so blessed with the good things of life that it is only right that we try to do our share in the alleviation of human misery by assisting in providing food, clothing, medical assistance and planning long range reconstruction for these unfortunate people:

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, in furtherance of this very important program, which has been requested through a Joint Congressional Resolution, do hereby proclaim that the period from June 7 to June 20, 1953, be known as

AID TO KOREA DAYS

and I urge that all citizens of Delaware contribute generously toward a fund to help relieve the terrible distress of the people of Korea.

(GREAT SEAL) IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said State  
to be hereunto affixed, at Dover, this Fifth  
day of June in the year of Our Lord One  
Thousand Nine Hundred and Fifty-three and  
of the Independence of the United States the  
One Hundred and Seventy-seventh.

By the Governor:

J. CALEB BOGGS

JOHN N. McDOWELL, Secretary of State

CHAPTER 579  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, we are honoring our fathers this coming Father's Day, Sunday, June 21, 1953; and

WHEREAS, the theme for this American holiday is "Hail the Champ! Teacher of Fair Play and Good Citizenship"; and

WHEREAS, it is the fathers of our land who primarily have built this great democracy through their teachings and sturdy devotion to liberty and love of freedom; and

WHEREAS, we look to the father in the home as the builder of good family life and the foundation of our future and teacher of our young in the importance of good ethics, fair play, peace and brotherhood throughout the world:

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, do hereby proclaim Sunday, June 21, 1953, as

FATHER'S DAY

and I call upon the citizens of our state to offer special prayers of thanksgiving for all fathers, both living and dead, and otherwise observe the day with emphasis on respect and admiration for the father in the home, so that every day in the year may have the blessings that flow from good fatherhood and a strong family life.

In WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Delaware and caused the Great Seal of the said State to be hereunto affixed, at Dover, this Ninth day of June in the year of Our Lord One Thousand Nine Hundred and Fifty-three and of the Independence of the United States the One Hundred and Seventy-seventh.

(GREAT SEAL)

By the Governor:

J. CALEB BOGGS

JOHN N. McDOWELL, Secretary of State

CHAPTER 580

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the signers of the Declaration of Independence were moved to dedicate this nation to the Conception of Freedom Under God; and

WHEREAS, the keynote of American independence is based on "these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are Life, Liberty and the Pursuit of Happiness"; and

WHEREAS, the President of the United States has called for prayers on this 177th anniversary of the signing of our great document, imploring citizens to reaffirm their faith and convictions in these uncertain times; and

WHEREAS, there is a movement on foot to mark through the year a March of Freedom, to exercise the Will of God by promoting peace and goodwill in our nation and throughout the world:

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, do hereby declare Saturday, July 4, 1953, as

INDEPENDENCE DAY

and further urge that it be observed as a Day of Freedom, during which citizens will set aside at least a portion of the day for prayer for our state and nation, and personal rededication to Our God and Country, through which we enjoy uncounted blessings. I further urge that our state and national flags be displayed on all state buildings and institutions, and that generally these flags wave in recognition of the freedom which has long been our heritage.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said State  
(GREAT SEAL) to be hereunto affixed, at Dover, this Twenty-  
ninth day of June in the year of Our Lord One  
Thousand Nine Hundred and Fifty-three and  
of the Independence of the United States of  
America the One Hundred and Seventy-seventh.

By the Governor:

J. CALEB BOGGS

JOHN N. McDOWELL, Secretary of State

CHAPTER 581

STATE OF DELAWARE

EXECUTIVE DEPARTMENT

PROCLAMATION

WHEREAS, the time of year is approaching when the farmers of lower Delaware are harvesting their crops; their wives are busy preserving; and generally thoughts are turned to plans for the ensuing year; and

WHEREAS, it is fitting that the public have an opportunity to witness the accumulation of foodstuffs which are yearly brought to us through the diligence of our farm folk, who in Delaware aid greatly in feeding the east's heavily populated center through their cultivation of fruits, vegetables and other produce and meats; and

WHEREAS, the Kent-Sussex County Fair, is the only such event held annually in the State of Delaware, where it is possible for urban dwellers to view the prize crops and learn more about farm life, and at the same time have hours of pleasure which are provided through the racing of thoroughbred horses and other amusements:

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, do hereby declare that the week of July 27 through August 1, 1953, be designated as

FAIR WEEK IN DELAWARE

and I further urge attendance of the public, both from within and without the state at this exhibition in Harrington, Delaware, so that we can more highly appreciate the efforts of our farm folk. Here we will see the work of the Granges, 4-H Clubs and the Future Farmers of America, all of whom contribute so greatly to our well being through their cultivation of the soil and through their interest in advanced farm practices and procedures help us remain the best fed nation in the world.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor  
of the State of Delaware, have hereunto set my  
hand and caused the Great Seal of the said State  
(GREAT SEAL) to be hereunto affixed, at Dover, this Thir-  
teenth day of July in the year of Our Lord One  
Thousand Nine Hundred and Fifty-three and of  
the Independence of the United States the One  
Hundred and Seventy-eighth.

By the Governor:

J. CALEB BOGGS

JOHN N. McDOWELL, Secretary of State

CHAPTER 582  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, needless accidents continue to kill thousands of farm people each year; and

WHEREAS, accidents injured more than a million and a quarter farm residents last year; and

WHEREAS, these tragic losses are reducing America's strength in a period of great crisis:

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, do hereby call upon the State to observe the week beginning July 19, 1953, as

NATIONAL FARM SAFETY WEEK

and I urgently request every farm resident to cooperate in an all-out effort to make 1953 as accident free as possible. To the end that Delaware farm people may "Farm To Live and Live To Farm," I request all organizations and persons interested in farm life to join in with the Delaware Safety Council and the University of Delaware in a campaign to prevent accidents on the farm, on the highways, in the home, or wherever they may occur.

IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed, at Dover, this Fifteenth day of July in the year of Our Lord One Thousand Nine Hundred and Fifty-three and of the Independence of the United States the One Hundred and Seventy-eighth.

(GREAT SEAL)

By the Governor:

J. CALEB BOGGS

JOHN N. McDOWELL, Secretary of State



CHAPTER 583  
STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
PROCLAMATION

WHEREAS, conflicting ideologies and mutual international distrusts present a continuing threat to our nation and to each citizen; and

WHEREAS, the people of the United States rely heavily on their Reserve Forces in time of national emergency to defend them against the enemies of our nation; and

WHEREAS, the United States Air Force Reserve is a vital and necessary part of the defense of this country; and

WHEREAS, the First Air Reserve District has been delegated as the command control unit of all Air Force Reservists in the State of Delaware and has been given the responsibility of training Air Reservists in the State of Delaware as citizen airmen:

NOW, THEREFORE, I, J. Caleb Boggs, Governor of the State of Delaware, do hereby proclaim the period of August 3, 1953, through August 9, 1953, as

AIR FORCE RESERVE WEEK IN DELAWARE

and urge my fellow citizens to give public recognition to the mission of the Air Force Reserve to defend this nation against its enemies, and I further urge my fellow citizens to support and endorse the Air Force Reservists who are patriotically sacrificing their time and efforts for the protection of our homeland and freedom.

(GREAT SEAL) IN WITNESS WHEREOF, I, J. Caleb Boggs, Governor of the State of Delaware, have hereunto set my hand and caused the Great Seal of the said State to be hereunto affixed, at Dover, this Twenty-eighth day of July in the year of Our Lord One Thousand Nine Hundred and Fifty-three and of the Independence of the United States the One Hundred and Seventy-eighth.

By the Governor:

J. CALEB BOGGS

JOHN N. McDOWELL, Secretary of State

STATE OF DELAWARE  
DEPARTMENT OF STATE  
DOVER

July 31, 1953

In obedience to the provisions and directions of Title 29, §907 of the Delaware Code of 1953, I have collated with and corrected by the original rolls now in the office of the Secretary of State and caused to be published this edition of the Laws of Delaware, passed by the General Assembly, at the regular biennial session commenced on Tuesday, the sixth day of January, A. D. 1953 and ended on Saturday, the eleventh day of July, A. D. 1953.

JOHN N. McDOWELL  
Secretary of State

## CHANGES IN THE DELAWARE CODE (OF 1953)

Listed below are the specific amendments to the Delaware Code together with sections which have been repealed or added.

Where a general amendment has been made which involves a change in many sections of the Delaware Code such change has been listed in this table under the sections most directly affected. In a few cases the session law cited purports to amend a different section of the Code than that listed in this table. The classifications listed in this table are those which have been assigned to the amendments by the Delaware Code Revision Commission under authority of Chapter 347 of this Volume.

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STATE OF DELAWARE  
DEPARTMENT OF STATE  
DOVER

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JOHN N. McDOWELL  
Secretary of State

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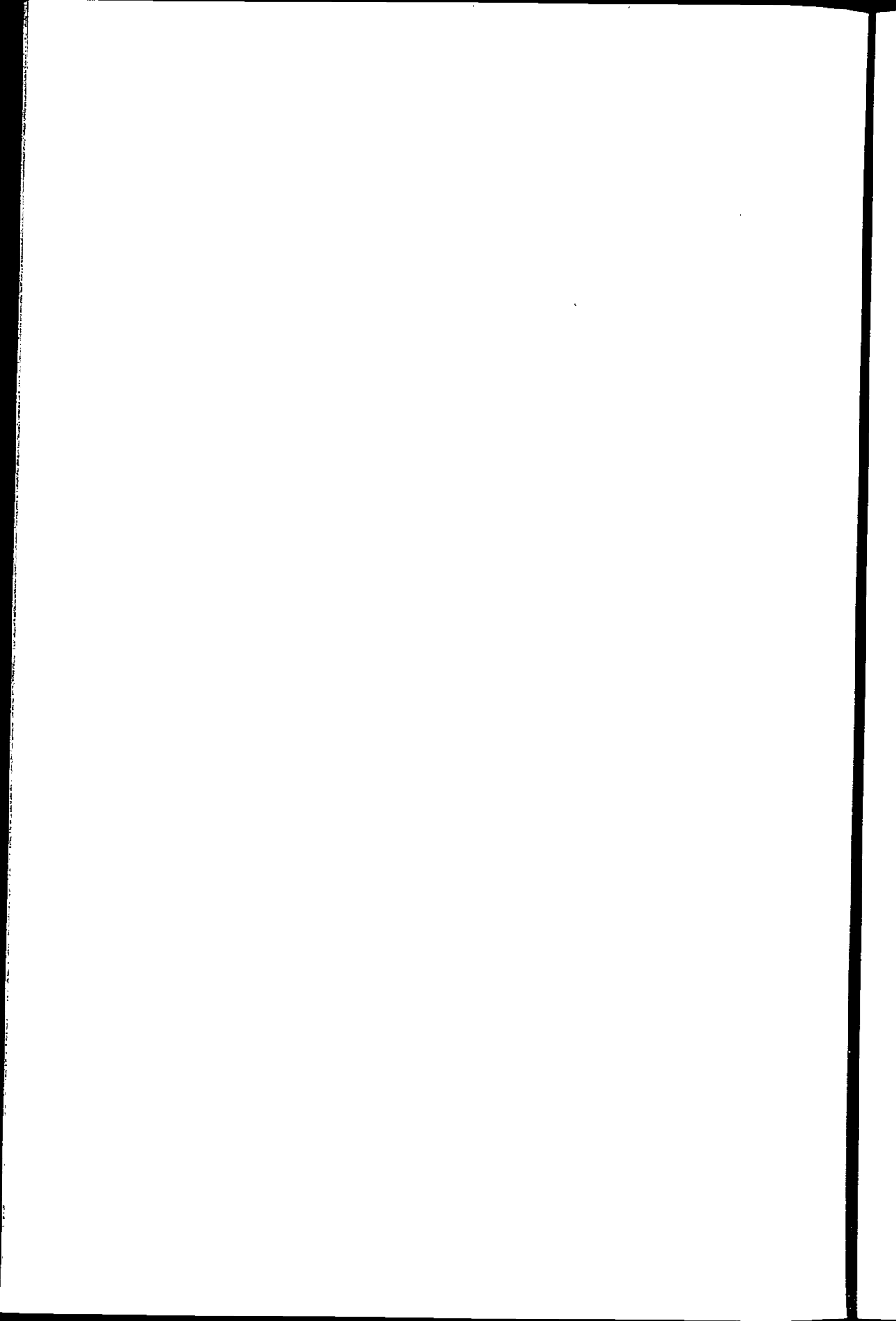
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